

HOUSE BILL NO. 4362

February 25, 2021, Introduced by Reps. Kuppa, Hope, Cynthia Johnson, Brenda Carter, Sowerby, Bolden, Weiss, Steckloff, Hood, Haadsma, Pohutsky, Young, Brixie, Sabo, Rogers, Aiyash, O'Neal, Cavanagh, Rabhi, Garza, Brabec, Stone and Tyrone Carter and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 661, 759, 759a, 761, 764a, 765, 765a, 765b, 766, and 767 (MCL 168.661, 168.759, 168.759a, 168.761, 168.764a, 168.765, 168.765a, 168.765b, 168.766, and 168.767), section 661 as amended by 2012 PA 270, sections 759 and 761 as amended by 2020 PA 302, section 759a as amended by 2012 PA 523, sections 764a, 765, 765a, and 765b as amended by 2020 PA 177, section 766 as amended by 2018 PA 120, and section 767 as amended by 2005 PA 71, and by

adding sections 759e, 764e, 766a, and 766b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 661. (1) ~~When~~**If** the voter registration in a precinct
 2 using voting machines is 1,000 or less, there ~~shall~~**must** be not
 3 less than 1 voting machine for each 500 active registered electors
 4 at the general November election and at the primary immediately
 5 preceding that election. ~~When~~**If** the voter registration in a
 6 precinct using voting machines is more than 1,000 and less than
 7 3,000, there ~~shall~~**must** be at least 1 voting machine for each 600
 8 active registered electors at the general November election and at
 9 the primary immediately preceding that election. At other primaries
 10 and elections, the number of voting machines ~~shall be~~**is** at the
 11 discretion of the local election commission. In making this
 12 determination, the local election commission shall take into
 13 consideration the number of choices the ~~voter~~**elector** must make,
 14 the percentage of registered ~~voters~~**electors** who voted at the last
 15 similar election in the jurisdiction, and the intensity of the
 16 interest of the electors in the jurisdiction concerning the
 17 candidates and proposals to be voted upon. ~~When~~**If** the voter
 18 registration in a precinct using voting machines exceeds 2,999, the
 19 precinct ~~shall~~**must** be divided or rearranged.

20 (2) Except as provided in subsection (3), city and township
 21 election commissions shall divide precincts according to law, not
 22 later than 210 days before the primary next preceding the general
 23 November election, and shall immediately notify the county clerk of
 24 the number of registered ~~voters~~**electors** in each precinct in the
 25 city or township. The county clerk shall notify the secretary of
 26 state not later than 200 days before the primary of a precinct in

1 the clerk's county ~~which~~**that** has not been divided according to
2 law, and the secretary of state shall proceed to make divisions as
3 are necessary at the expense of the city or township involved, not
4 later than 180 days before the primary next preceding the general
5 November election. If the election commission of a city, village,
6 or township using voting machines decides to use paper ballots for
7 a primary or election, the preceding limitations ~~shall~~**must**
8 continue for that election. A division of precincts ~~shall~~**must** be
9 made effective not later than 180 days before the primary election
10 next preceding the general November election.

11 (3) In the second year following each federal **decennial**
12 census, precincts ~~shall~~**must** be divided ~~pursuant to~~**under** this
13 subsection. City and township election commissions shall divide
14 precincts ~~not~~ later than 120 days before the primary election
15 next preceding the general November election in order that a
16 precinct, as far as is practical, is not split between districts
17 and does not exceed 2,999 registered ~~voters,~~**electors**, and shall
18 immediately notify the county clerk of the number of registered
19 ~~voters~~**electors** in each precinct in each city or township. The
20 county clerk shall notify the secretary of state not later than 110
21 days before the primary of any precincts in the county ~~which~~**that**
22 have not been divided, and the secretary of state shall proceed to
23 make the divisions as are necessary, at the expense of the city or
24 township involved, not later than 90 days before the primary
25 election next preceding the general November election. The division
26 of precincts ~~shall~~**must** be made effective not later than 90 days
27 before the primary election. The secretary of state may authorize,
28 upon written request by a city or township election commission, a
29 later division of a precinct ~~which~~**that** contains portions of more

1 than 1 elective district. All precinct divisions ~~shall~~**must** be
 2 completed not later than 90 days before the primary election next
 3 preceding the general November election. ~~In~~**Subject to subsection**
 4 **(4), in** determining the number of registered ~~voters~~**electors** for a
 5 precinct under this subsection, a city or township election
 6 commission or the secretary of state, as applicable, may use either
 7 of the following:

8 (a) Only the active registered ~~voters~~**electors** for that city
 9 or township, **but not including those electors who are on a**
 10 **permanent absent voter list in that city or township.**

11 (b) Both the active registered ~~voters~~**electors** for that city
 12 or township and the ~~voters~~**electors** in the inactive voter file for
 13 that city or township, **but not including those electors who are on**
 14 **a permanent absent voter list in that city or township.**

15 **(4) Notwithstanding subsection (3), each city or township must**
 16 **have at least 1 election precinct.**

17 Sec. 759. (1) Subject to section 761(3), at any time during
 18 the 75 days before a primary or special primary, but not later than
 19 8 p.m. on the day of a primary or special primary, an elector may
 20 apply for an absent voter ballot. The elector shall apply in person
 21 or by mail with the clerk of the township or city in which the
 22 elector is registered. The clerk of a city or township shall not
 23 send by first-class mail an absent voter ballot to an elector after
 24 5 p.m. on the Friday immediately before the election. Except as
 25 otherwise provided in section ~~761(2),~~**766a**, the clerk of a city or
 26 township shall not issue an absent voter ballot to a registered
 27 elector in that city or township after 4 p.m. on the day before the
 28 election. An application received before a primary or special
 29 primary may be for either that primary only, or for that primary

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

10 (2) Except as otherwise provided in subsection (1) and subject
11 to section 761(3), at any time during the 75 days before an
12 election, but not later than 8 p.m. on the day of an election, an
13 elector may apply for an absent voter ballot. The elector shall
14 apply in person or by mail with the clerk of the township, city, or
15 village in which the voter is registered. The clerk of a city or
16 township shall not send by first-class mail an absent voter ballot
17 to an elector after 5 p.m. on the Friday immediately before the
18 election. Except as otherwise provided in section ~~761(2)~~, **766a**, the
19 clerk of a city or township shall not issue an absent voter ballot
20 to a registered elector in that city or township after 4 p.m. on
21 the day before the election. An individual may submit a voter
22 registration application and an absent voter ballot application at
23 the same time if applying in person with the clerk or deputy clerk
24 of the city or township in which the individual resides.
25 Immediately after his or her voter registration application and
26 absent voter ballot application are approved by the clerk, the
27 individual may, subject to the identification requirement in
28 section 761(6), complete an absent voter ballot at the clerk's
29 office.

1 (3) An application for an absent voter ballot under this
2 section may be made in any of the following ways:

3 (a) By a written request signed by the voter.

4 (b) On an absent voter ballot application form provided for
5 that purpose by the clerk of the city or township.

6 (c) On a federal postcard application.

7 (4) An applicant for an absent voter ballot shall sign the
8 application. Subject to section ~~761(2)~~, **766a**, a clerk or assistant
9 clerk shall not deliver an absent voter ballot to an applicant who
10 does not sign the application. A person shall not be in possession
11 of a signed absent voter ballot application except for the
12 applicant; a member of the applicant's immediate family; a person
13 residing in the applicant's household; a person whose job normally
14 includes the handling of mail, but only during the course of his or
15 her employment; a registered elector requested by the applicant to
16 return the application; or a clerk, assistant of the clerk, or
17 other authorized election official. A registered elector who is
18 requested by the applicant to return his or her absent voter ballot
19 application shall sign the certificate on the absent voter ballot
20 application.

21 (5) The clerk of a city or township shall have absent voter
22 ballot application forms available in the clerk's office at all
23 times and shall furnish an absent voter ballot application form to
24 anyone upon a verbal or written request. The absent voter ballot
25 application must be in substantially the following form:

26 "Application for absent voter ballot for:

27 [] The primary or special primary election to be held on
28 _____ (Date).

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

1 (Check applicable election or elections)

2 I, , a United States
3 citizen and a qualified and registered elector of the
4 precinct of the township of or of the
5 ward of the city of , in the
6 county of and state of Michigan,
7 apply for an official ballot, or ballots, to be voted by me at the
8 election or elections as requested in this application.

9 Send absent voter ballot to me at:

10

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

12

13 (Post Office) (State) (Zip Code)

14 My registered address

15 (Street No. or R.R. or Participant

16 Identification Number)

17

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

19 Date.....

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

23

24 (Signature)

25 WARNING

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

29 A person making a false statement in this absent voter ballot

1 application is guilty of a misdemeanor. It is a violation of
2 Michigan election law for a person other than those listed in the
3 instructions to return, offer to return, agree to return, or
4 solicit to return your absent voter ballot application to the
5 clerk. An assistant authorized by the clerk who receives absent
6 voter ballot applications at a location other than the clerk's
7 office must have credentials signed by the clerk. Ask to see his or
8 her credentials before entrusting your application with a person
9 claiming to have the clerk's authorization to return your
10 application.

11 Certificate of Authorized Registered
12 Elector Returning Absent Voter
13 Ballot Application

14 I certify that my name is , my address is
15 , and my date of birth is ; that
16 I am delivering the absent voter ballot application of
17 at his or her request; that I did not solicit
18 or request to return the application; that I have not made any
19 markings on the application; that I have not altered the
20 application in any way; that I have not influenced the applicant;
21 and that I am aware that a false statement in this certificate is a
22 violation of Michigan election law.

23 _____
24 (Date) (Signature)"

25 (6) The following instructions for an applicant for an absent
26 voter ballot must be included with each application furnished an
27 applicant:

28 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

29 Step 1. After completely filling out the application, sign and

1 date the application in the place designated. Your signature must
2 appear on the application or you may not receive an absent voter
3 ballot.

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

5 (a) Place the application in an envelope addressed to the
6 appropriate clerk and place the necessary postage upon the return
7 envelope and deposit it in the United States mail or with another
8 public postal service, express mail service, parcel post service,
9 or common carrier.

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

12 (c) In either (a) or (b), a member of the immediate family of
13 the voter including a father-in-law, mother-in-law, brother-in-law,
14 sister-in-law, son-in-law, daughter-in-law, grandparent, or
15 grandchild or a person residing in the voter's household may mail
16 or deliver the application to the clerk for the applicant.

17 (d) If an applicant cannot return the application in any of
18 the above methods, the applicant may select any registered elector
19 to return the application. The person returning the application
20 must sign and return the certificate at the bottom of the
21 application.

22 (7) A person who prints and distributes absent voter ballot
23 applications shall print on the application the warning,
24 certificate of authorized registered elector returning absent voter
25 ballot application, and instructions required by this section.

26 (8) A person who makes a false statement in an absent voter
27 ballot application is guilty of a misdemeanor. A person who forges
28 a signature on an absent voter ballot application is guilty of a
29 felony. A person who is not authorized in this act and who both

1 distributes absent voter ballot applications to absent voters and
 2 returns those absent voter ballot applications to a clerk or
 3 assistant of the clerk is guilty of a misdemeanor.

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

9 Sec. 759a. (1) An absent uniformed services voter or an
 10 overseas voter who is not registered, but possessed the
 11 qualifications of an elector under section 492, may apply for
 12 registration by using the federal postcard application. The
 13 department of state, bureau of elections, is responsible for
 14 disseminating information on the procedures for registering and
 15 voting to an absent uniformed services voter and an overseas voter.

16 (2) Upon the request of an absent uniformed services voter or
 17 an overseas voter, the clerk of a county, city, township, or
 18 village shall electronically transmit a blank voter registration
 19 application or blank absent voter ballot application to the voter.
 20 The clerk of a county, city, township, or village shall accept a
 21 completed voter registration application or completed absent voter
 22 ballot application electronically transmitted by an absent
 23 uniformed services voter or overseas voter. A voter registration
 24 application or absent voter ballot application submitted by an
 25 absent uniformed services voter or overseas voter ~~shall~~**must**
 26 contain the signature of the voter.

27 (3) A spouse or dependent of an overseas voter who is a
 28 citizen of the United States, is accompanying that overseas voter,
 29 and is not a qualified and registered elector anywhere else in the

1 United States, may apply for an absent voter ballot even though the
 2 spouse or dependent is not a qualified elector of a city or
 3 township of this state.

4 (4) An absent uniformed services voter or an overseas voter,
 5 whether or not registered to vote, may apply for an absent voter
 6 ballot. Upon receipt of an application for an absent voter ballot
 7 under this section that complies with this act, a county, city,
 8 village, or township clerk shall forward to the applicant the
 9 absent voter ballots requested, the forms necessary for
 10 registration, and instructions for completing the forms. If the
 11 ballots are not yet available at the time of receipt of the
 12 application, the clerk shall immediately forward to the applicant
 13 the registration forms and instructions ~~and~~ forward the ballots
 14 as soon as they are available. If a federal postcard application or
 15 an application from the official United States ~~department~~
 16 **Department** of ~~defense~~**Defense** website is filed, the clerk shall
 17 accept the federal postcard application or the application from the
 18 official United States ~~department~~**Department** of ~~defense~~**Defense**
 19 website as the registration application and shall not send any
 20 additional registration forms to the applicant. If the ballots and
 21 registration forms are received before the close of the polls on
 22 election day and if the registration complies with the requirements
 23 of this act, the absent voter ballots ~~shall~~**must** be delivered to
 24 the proper election board to be **counted and** tabulated. **If the**
 25 **absent voter ballot return envelope containing a marked absent**
 26 **voter ballot is postmarked before or on election day and the absent**
 27 **voter ballot is received by the city or township clerk within 48**
 28 **hours after 8 p.m. on election day, the city or township clerk**
 29 **shall count and tabulate that absent voter ballot. Not later than**

1 **the third day after election day, each city and township clerk**
2 **shall transmit the results of the absent voter ballots tabulated**
3 **after the election to the board of county canvassers of the county**
4 **in which that city or township is located.** If the registration does
5 not comply with the requirements of this act, the clerk shall
6 retain the absent voter ballots until the expiration of the time
7 that the voted ballots must be kept and shall then destroy the
8 ballots without opening the envelope. The clerk may retain
9 registration forms completed under this section in a separate file.
10 The address in this state shown on a registration form is the
11 residence of the registrant.

12 (5) Not later than 45 days before an election, a county, city,
13 township, or village clerk shall electronically transmit or mail as
14 appropriate an absent voter ballot to each absent uniformed
15 services voter or overseas voter who applied for an absent voter
16 ballot 45 days or more before the election.

17 (6) Upon the request of an absent uniformed services voter or
18 overseas voter, the clerk of a county, city, township, or village
19 shall electronically transmit an absent voter ballot to the voter.
20 The voter shall print the absent voter ballot and return the voted
21 ballot by mail to the appropriate clerk.

22 (7) The secretary of state shall prescribe electronic absent
23 voter ballot formats and electronic absent voter ballot
24 transmission methods. Each county, city, township, or village clerk
25 shall employ the prescribed electronic ballot formats to fulfill an
26 absent voter ballot request received from an absent uniformed
27 services voter or overseas voter who wishes to receive his or her
28 absent voter ballot through an electronic transmission. The
29 secretary of state shall establish procedures to implement the

1 requirements in this section and for the processing of a marked
2 absent voter ballot returned by an absent uniformed services voter
3 or overseas voter who obtained his or her absent voter ballot
4 through an electronic transmission.

5 (8) The secretary of state shall modify the printed statement
6 provided under section 761(4) and the absent voter ballot
7 instructions provided under section 764a as appropriate to
8 accommodate the procedures developed for electronically
9 transmitting an absent voter ballot to an absent uniformed services
10 voter or overseas voter. A statement ~~shall~~**must** be included in the
11 certificate signed by the absent voter who obtained his or her
12 absent voter ballot through an electronic transmission that the
13 secrecy of the absent voter ballot may be compromised during the
14 duplication process. The absent voter ballot instructions provided
15 to an absent uniformed services voter or overseas voter ~~shall~~**must**
16 include the proper procedures for returning the absent voter ballot
17 to the appropriate clerk.

18 (9) The size of a precinct ~~shall~~**must** not be determined by
19 registration forms completed under this section.

20 (10) An absent uniformed services voter or an overseas voter
21 who submits an absent voter ballot application is eligible to vote
22 as an absent voter in any local, state, or federal election
23 occurring in the calendar year in which the election is held for
24 that ballot requested if the absent voter ballot application is
25 received by the county, city, village, or township clerk not later
26 than 2 p.m. of the Saturday before the election. A county, city, or
27 township clerk receiving an absent voter ballot application from an
28 absent uniformed services voter or overseas voter shall transmit to
29 a village clerk and the school district election coordinators,

1 where applicable, the necessary information to enable the village
2 clerk and school district election coordinators to forward an
3 absent voter ballot for each applicable election in that calendar
4 year to the absent voter. A village clerk receiving an absent voter
5 ballot application from an absent uniformed services voter or
6 overseas voter shall transmit to the township clerk and the school
7 district election coordinators, where applicable, the necessary
8 information to enable the city or township clerk and school
9 district election coordinators to forward an absent voter ballot
10 for each applicable election in that calendar year to the absent
11 voter. If the local elections official rejects a voter registration
12 application or absent voter ballot application submitted by an
13 absent uniformed services voter or overseas voter, the election
14 official shall notify the voter of the rejection.

15 (11) An electronic mail address provided by an absent
16 uniformed services voter or overseas voter for the purposes of this
17 section is confidential and exempt from disclosure under the
18 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (12) Under the uniformed and overseas citizens absentee voting
20 act, the state director of elections shall approve a ballot form
21 and registration procedures for absent uniformed services voters
22 and overseas voters.

23 (13) An absent uniformed services voter or an overseas voter
24 may use the federal write-in absentee ballot, in accordance with
25 the provisions of the uniformed and overseas citizens absentee
26 voting act, at a regular election or special election to vote for a
27 local, state, or federal office or on a ballot question. An absent
28 uniformed services voter or an overseas voter who uses the federal
29 write-in absentee ballot shall return his or her voted federal

1 write-in absentee ballot by mail to the appropriate clerk. The
2 state bureau of elections shall do both of the following:

3 (a) Make the ballot format for each election available to
4 absent uniformed services voters and overseas voters by electronic
5 mail or on an internet website maintained by the department of
6 state.

7 (b) Make the ballot information, including the offices, names
8 of candidates, and ballot proposals, for each election available to
9 absent uniformed services voters and overseas voters on an internet
10 website maintained by the department of state.

11 (14) The clerk of a city, village, or township shall submit to
12 the county clerk of the county in which that city, village, or
13 township is located a written statement no later than 45 days
14 before each election indicating whether absent voter ballots were
15 issued to absent uniformed services voters or overseas voters in
16 compliance with this section and the uniformed and overseas
17 citizens absentee voting act. The city, village, or township clerk
18 shall provide to the county clerk a written explanation describing
19 remedial actions taken by the city, village, or township clerk if
20 the city, village, or township clerk fails to comply with this
21 section and the uniformed and overseas citizens absentee voting
22 act. Not later than 42 days before each election, each county clerk
23 shall submit to the state bureau of elections a written report
24 compiled from the written statements submitted by the city,
25 village, and township clerks. The written report ~~shall~~**must**
26 identify the cities, villages, and townships that complied with the
27 45-day deadline under this subsection, the cities, villages, and
28 townships that did not comply with the 45-day deadline under this
29 subsection, but provided a written explanation, and those cities,

1 villages, and townships that did not comply with the 45-day
 2 deadline under this subsection and that did not provide a written
 3 explanation. The state bureau of elections may require the clerk of
 4 a city, village, or township that did not comply with the 45-day
 5 deadline under this subsection, but provided a written explanation,
 6 to provide additional information. The state bureau of elections
 7 shall require the clerk of a city, village, or township that did
 8 not comply with the 45-day deadline and that did not provide a
 9 written explanation to file a written explanation, describing the
 10 remedial actions taken by the city, village, or township clerk,
 11 within 1 business day after the state bureau of elections notifies
 12 the clerk of that city, village, or township.

13 (15) For a presidential primary election, the secretary of
 14 state shall prescribe procedures for contacting an elector who is
 15 an absent uniformed services voter or an overseas voter, as
 16 described in this section, and who is eligible to receive an absent
 17 voter ballot or who applies for an absent voter ballot for the
 18 presidential primary election, offering the elector the opportunity
 19 to select a political party ballot for the presidential primary
 20 election.

21 (16) The secretary of state shall order a city, village, or
 22 township clerk to extend the ballot receipt deadline for any
 23 absentee voter ballots under this section that were not transmitted
 24 to an absent uniformed services voter or overseas voter in
 25 compliance with subsection (5). The extension ~~shall~~**must** equal the
 26 total number of days beyond the deadline as provided in subsection
 27 (5) that the city, village, or township clerk transmitted the
 28 requested absentee voter ballots. These absentee voter ballots
 29 received during the extension time ~~shall~~**must** be counted and

1 tabulated for the final results of the election provided that the
2 absentee voter ballots are executed and sent by the close of the
3 polls on election day. The election may be formally certified
4 before the end of the extension time if the number of outstanding
5 absentee voter ballots under this subsection will not alter the
6 outcome of the election.

7 (17) As used in this section:

8 (a) "Absent uniformed services voter" means any of the
9 following:

10 (i) A member of a uniformed service on active duty who, by
11 reason of being on active duty, is absent from the place of
12 residence where the member is otherwise qualified to vote.

13 (ii) A member of the merchant marine who, by reason of service
14 in the merchant marine, is absent from the place of residence where
15 the member is otherwise qualified to vote.

16 (iii) A spouse or dependent of a member referred to in
17 subparagraph (i) or (ii) who, by reason of the active duty or service
18 of the member, is absent from the place of residence where the
19 spouse or dependent is otherwise qualified to vote.

20 (b) "Member of the merchant marine" means an individual, other
21 than a member of a uniformed service or an individual employed,
22 enrolled, or maintained on the Great Lakes or the inland waterways,
23 who is either of the following:

24 (i) Employed as an officer or crew member of a vessel
25 documented under the laws of the United States, a vessel owned by
26 the United States, or a vessel of foreign-flag registry under
27 charter to or control of the United States.

28 (ii) Enrolled with the United States for employment or training
29 for employment, or maintained by the United States for emergency

1 relief service, as an officer or crew member of a vessel documented
 2 under the laws of the United States, a vessel owned by the United
 3 States, or a vessel of foreign-flag registry under charter to or
 4 control of the United States.

5 (c) "Overseas voter" means any of the following:

6 (i) An absent uniformed services voter who, by reason of active
 7 duty or service, is absent from the United States on the date of an
 8 election.

9 (ii) A person who resides outside of the United States and is
 10 qualified to vote in the last place in which the person was
 11 domiciled before leaving the United States.

12 (iii) A person who resides outside of the United States and who,
 13 but for such residence outside of the United States, would be
 14 qualified to vote in the last place in which he or she was
 15 domiciled before leaving the United States.

16 (d) "Uniformed services" means the ~~army, navy, air force,~~
 17 ~~marine corps, coast guard,~~ **Army, the Navy, the Air Force, the**
 18 **Marine Corps, the Coast Guard,** the ~~commissioned corps~~ **Commissioned**
 19 **Corps** of the ~~public health service,~~ **Public Health Service,** the
 20 ~~commissioned corps~~ **Commissioned Corps** of the national oceanic
 21 **National Oceanic** and atmospheric administration, ~~Atmospheric~~
 22 **Administration,** a reserve component of a uniformed service, or the
 23 Michigan ~~national guard~~ **National Guard** as **that term is** defined in
 24 section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

25 **Sec. 759e. Beginning on the effective date of the amendatory**
 26 **act that added this section, the clerk of each city and township**
 27 **shall, not later than 75 days before each election held in the city**
 28 **or township, send to each registered elector in the city or**
 29 **township both of the following:**

1 **(a) An absent voter ballot application.**

2 **(b) A postage prepaid return envelope for the absent voter**
3 **ballot application.**

4 Sec. 761. (1) If the clerk of a city or township receives an
5 application for an absent voter ballot from a person registered to
6 vote in that city or township and if the signature on the
7 application agrees with the signature for the person contained in
8 the qualified voter file or on the registration card as required in
9 subsection (2), the clerk immediately upon receipt of the
10 application or, if the application is received before the printing
11 of the absent voter ballots, as soon as the ballots are received by
12 the clerk, shall forward by mail, postage prepaid, or shall deliver
13 personally 1 of the ballots or set of ballots if there is more than
14 1 kind of ballot to be voted to the applicant. If the clerk of a
15 city or township receives an application for an absent voter ballot
16 from an applicant who is a program participant, as that term is
17 defined in **section 3 of** the address confidentiality program act,
18 **2020 PA 301, MCL 780.853**, then the city or township clerk shall
19 mail an absent voter ballot to that program participant at the
20 designated address provided to that program participant by the
21 department of the attorney general under the address
22 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.
23 Subject to the identification requirement in subsection (6), absent
24 voter ballots may be delivered to an applicant in person at the
25 office of the clerk. **If the clerk of a city or township receives an**
26 **application for an absent voter ballot from an individual**
27 **registered to vote in that city or township and the signature on**
28 **the application does not agree with the signature for the**
29 **individual contained in the qualified voter file or on the**

1 registration card as required in subsection (2), the clerk of the
 2 city or township shall proceed as provided in section 766a(1). If
 3 the clerk of a city or township receives an application for an
 4 absent voter ballot from an individual registered to vote in that
 5 city or township and the individual failed to sign the application,
 6 the clerk of the city or township shall proceed as provided in
 7 section 766a(2).

8 (2) The qualified voter file must be used to determine the
 9 genuineness of a signature on an application for an absent voter
 10 ballot. Signature comparisons must be made with the digitized
 11 signature in the qualified voter file. If the qualified voter file
 12 does not contain a digitized signature of an elector, or is not
 13 accessible to the clerk, the city or township clerk shall compare
 14 the signature appearing on the application for an absent voter
 15 ballot to the signature contained on the master card. ~~If before 8~~
 16 ~~p.m. on the day before election day the clerk of a city or township~~
 17 ~~rejects an absent voter ballot application because the signature on~~
 18 ~~the absent voter ballot application does not agree sufficiently~~
 19 ~~with the signature on the master card or the digitized signature~~
 20 ~~contained in the qualified voter file so as to identify the elector~~
 21 ~~or because the elector failed to sign the absent voter ballot~~
 22 ~~application, the city or township clerk shall as soon as~~
 23 ~~practicable, but in no event later than 48 hours after determining~~
 24 ~~the signatures do not agree sufficiently or that the signature is~~
 25 ~~missing, or by 8 p.m. on the day before election day, whichever~~
 26 ~~occurs first, notify the elector of the rejection by mail,~~
 27 ~~telephone, or electronic mail.~~

28 (3) Subject to the identification requirement in subsection
 29 (6) and except as otherwise provided in this subsection, ~~a person~~

1 **an individual** may apply in person at the clerk's office before 8
2 p.m. on election day to vote as an absent voter. Except as
3 otherwise provided in ~~subsection (2),~~ **section 766a**, only an
4 individual who is not a registered elector, or an individual who is
5 not registered to vote in the city or township in which he or she
6 is registering to vote, and who registers to vote on election day
7 in person with the clerk of the city or township in which the
8 individual resides may apply for and complete an absent voter
9 ballot in person at the clerk's office on election day. Except as
10 otherwise provided in ~~subsection (2),~~ **section 766a**, the clerk of a
11 city or township shall not issue an absent voter ballot to a
12 registered elector in that city or township after 4 p.m. on the day
13 before the election. The applicant shall receive his or her absent
14 voter ballot and vote the ballot in the clerk's office. All other
15 absent voter ballots, except ballots delivered pursuant to an
16 emergency absent voter ballot application under section 759b, must
17 be mailed or delivered to the registration address of the applicant
18 unless the application requests delivery to an address outside the
19 city or township or to a hospital or similar institution, in which
20 case the absent voter ballots must be mailed or delivered to the
21 address given in the application. However, a clerk may mail or
22 deliver an absent voter ballot, upon request of the absent voter,
23 to a post office box if the post office box is where the absent
24 voter normally receives personal mail and the absent voter does not
25 receive mail at his or her registration address.

26 (4) Absent voter ballots must be issued in the same order in
27 which applications are received by the clerk of a city, township,
28 or village, as nearly as may be, and each ballot issued must bear
29 the lowest number of each kind available for this purpose. However,

1 this provision does not prohibit a clerk from immediately issuing
2 an absent voter ballot to an absent voter who applies in person in
3 the clerk's office for absent voter ballots. The clerk shall
4 enclose with the ballot or ballots a **postage prepaid** return
5 envelope properly addressed to the clerk and bearing upon the back
6 of the envelope a printed statement in substantially the following
7 form:

8 TO BE COMPLETED

9 BY THE CLERK

10 _____

11 Name of Voter Street Address or R.R. or
12 Program Participant
13 Identification Number

14 _____

15 City or Township County

16 Ward _____ Precinct _____ Date of Election _____

17 =====

18 TO BE COMPLETED BY THE ABSENT VOTER

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

24 I further assert that this absent voter ballot is being
25 returned to the clerk or an assistant of the clerk by me
26 personally; by public postal service, express mail service, parcel
27 post service, or other common carrier; by a member of my immediate
28 family; or by a person residing in my household.

29 DATE: _____ SIGN HERE: X _____

Signature of Absent Voter

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

=====

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or
otherwise unable to mark the ballot in marking his or her absent
voter ballot pursuant to his or her directions. The absent voter
ballot was inserted in the return envelope without being exhibited
to any other person.

_____	_____	_____
Signature of Person	Street Address	City or Township
Assisting Voter	or R.R.	

Printed Name of Person Assisting Voter

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A
FALSE STATEMENT IS GUILTY OF A FELONY.

=====

WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A
PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR
RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY
THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO
HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC
POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR
COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER

1 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
2 AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER
3 PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A
4 FELONY.

5 (5) An absent voter who knowingly makes a false statement on
6 the absent voter ballot return envelope is guilty of a misdemeanor.
7 A person who assists an absent voter and who knowingly makes a
8 false statement on the absent voter ballot return envelope is
9 guilty of a felony.

10 (6) If an elector obtains his or her absent voter ballot in
11 person from the clerk of the city or township in which he or she is
12 registered, the clerk of the city or township shall not provide an
13 absent voter ballot to that elector until the elector identifies
14 himself or herself to the clerk by presenting identification for
15 election purposes. If an elector does not have identification for
16 election purposes, the elector may sign an affidavit to that effect
17 before the clerk of the city or township and be allowed to obtain
18 his or her absent voter ballot in person from the clerk. The clerk
19 of the city or township shall indicate to each elector who is
20 registered in that city or township and who obtains his or her
21 absent voter ballot in person from the clerk that the elector may
22 sign an affidavit indicating that the elector does not have
23 identification for election purposes in order to obtain his or her
24 absent voter ballot in person from the clerk. However, if an
25 elector obtains his or her absent voter ballot in person from the
26 clerk and votes by absent voter ballot without providing
27 identification for election purposes required under this
28 subsection, the absent voter ballot of that elector must be
29 prepared as a challenged ballot as provided in section 727 and must

1 be counted as any other ballot is counted unless determined
 2 otherwise by a court of law under section 747 or 748 or any other
 3 applicable law.

4 Sec. 764a. The following instructions for an absent voter must
 5 be included with each ballot or set of ballots furnished an absent
 6 voter:

7 INSTRUCTIONS FOR ABSENT VOTERS

8 Step 1. Enclosed you will find voting instructions as to the
 9 method of voting. Read these carefully and then vote the ballot.

10 Step 2. After voting a ballot, place the ballot in the secrecy
 11 sleeve, if any. If a secrecy sleeve is not provided, refold the
 12 ballot to conceal your votes.

13 Step 3. Place the ballot or ballots in the **postage prepaid**
 14 return envelope and securely seal the **return** envelope.

15 Step 4. Sign and date the return envelope in the place
 16 designated. Your signature must appear on the return envelope or
 17 the ballot will not be counted. If you are disabled or otherwise
 18 unable to mark the ballot and required assistance in voting your
 19 absent voter ballot, have the individual who assisted you complete
 20 the section on the return envelope entitled "TO BE COMPLETED ONLY
 21 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

22 Step 5. Deliver the return envelope by 1 of the following
 23 methods:

24 (a) ~~Place the necessary postage upon the return envelope and~~
 25 ~~deposit it~~ **Deposit the postage prepaid return envelope** in the
 26 United States mail or with another public postal service, express
 27 mail service, parcel post service, or common carrier.

28 (b) Deliver the **return** envelope personally to the office of
 29 the clerk, to the clerk, or to an authorized assistant of the

1 clerk, or to a secure drop box located in the city or township.

2 (c) In either (a) or (b), a member of the immediate family of
 3 the voter including a father-in-law, mother-in-law, brother-in-law,
 4 sister-in-law, son-in-law, daughter-in-law, grandparent, or
 5 grandchild or an individual residing in the voter's household may
 6 mail or deliver a ballot to the clerk for the voter.

7 (d) You may request by telephone that the clerk who issued the
 8 ballot provide assistance in returning the ballot. The clerk is
 9 required to provide assistance if you are unable to return your
 10 absent voter ballot as specified in (a), (b), or (c) above, if it
 11 is before 5 p.m. on the Friday immediately preceding the election,
 12 and if you are asking the clerk to pick up the absent voter ballot
 13 within the jurisdictional limits of the city, township, or village
 14 in which you are registered. Your absent voter ballot will then be
 15 picked up by the clerk or an election assistant sent by the clerk.
 16 All individuals authorized to pick up absent voter ballots are
 17 required to carry credentials issued by the clerk. If using this
 18 absent voter ballot return method, do not give your ballot to
 19 anyone until you have checked their credentials.

20 Step 6. The **absent voter ballot return envelope containing a**
 21 **marked absent voter** ballot must **be postmarked before or on election**
 22 **day and must** reach the clerk or an authorized assistant of the
 23 clerk ~~before the close of the polls~~ **within 48 hours after 8 p.m.** on
 24 election day. ~~An~~ **If the return envelope containing an** absent voter
 25 ballot **is postmarked after election day or is** received by the clerk
 26 or assistant of the clerk **more than 48 hours** after ~~the close of the~~
 27 ~~polls~~ **8 p.m.** on election day, **the absent voter ballot** will not be
 28 counted.

29

WARNING

1 All of the following actions are violations of the Michigan
2 election law and are illegal in this state:

3 (1) To vote an absent voter ballot at a meeting or gathering
4 at which other individuals are voting absent voter ballots.

5 (2) For an individual who is assisting an absent voter in
6 marking the ballot to suggest or in any manner attempt to influence
7 the absent voter on how he or she should vote.

8 (3) For an individual who is present and knows that an
9 individual is voting an absent voter ballot to suggest or in any
10 manner attempt to influence the absent voter on how he or she
11 should vote.

12 (4) For an individual other than those listed in these
13 instructions to return, offer to return, agree to return, or
14 solicit to return an absent voter ballot to the clerk.

15 (5) For an individual other than the absent voter; an
16 individual listed in these instructions; or an individual whose job
17 it is to handle mail before, during, or after being transported by
18 a public postal service, express mail service, parcel post service,
19 or common carrier, but only during the normal course of his or her
20 employment to be in possession of a voted or unvoted absent voter
21 ballot.

22 **Sec. 764e. (1) This state shall reimburse each city or**
23 **township for the cost of providing prepaid postage on absent voter**
24 **ballot return envelopes and absent voter ballot application return**
25 **envelopes. The reimbursement must not exceed the verified account**
26 **of actual costs of providing prepaid postage on absent voter ballot**
27 **return envelopes and absent voter ballot application return**
28 **envelopes as provided in this section.**

29 (2) Payment must be made upon presentation and approval of a

1 verified account of actual costs to the department of treasury,
2 local audit and finance division.

3 (3) The legislature shall appropriate from the general fund of
4 this state an amount necessary to implement this section.

5 (4) To qualify for reimbursement, a city or township must
6 submit its verified account of actual costs for providing prepaid
7 postage on absent voter ballot return envelopes and absent voter
8 ballot application return envelopes before the expiration of 90
9 days after the date of an election. This state shall pay or
10 disapprove all or a portion of the verified account before the
11 expiration of 90 days after this state receives a verified account
12 of actual costs under this subsection.

13 (5) If this state disapproves all or a portion of a verified
14 account of actual costs under subsection (4), this state shall send
15 a notice of disapproval along with the reasons for the disapproval
16 to the city or township. Upon request of a city or township whose
17 verified account or portion of a verified account was disapproved
18 under this section, this state shall review the disapproved costs
19 with the city or township.

20 Sec. 765. (1) ~~Except as otherwise provided in subsection (6),~~
21 ~~a~~**A** clerk who receives an absent voter ballot return envelope
22 containing the marked ballots of an absent voter shall not open
23 that envelope before delivering the envelope to the board of
24 election inspectors as provided in this section. Except as
25 otherwise provided in subsection **(2) or (6)**, the city or township
26 clerk shall safely keep in his or her office until election day any
27 absent voter ballot return envelopes received by the clerk before
28 election day containing the marked ballots of an absent voter.

29 (2) **If a city or township establishes absent voter counting**

1 **boards under section 765a that meet to open, process, and tabulate**
 2 **absent voter ballots before election day, the clerk of that city or**
 3 **township shall deliver the absent voter ballot return envelopes to**
 4 **the chairperson or other member of the board of election inspectors**
 5 **in that absent voter's absent voter counting board precinct each**
 6 **day that the absent voter counting board meets before election day.**

7 Before the opening of the polls on election day or as soon after
 8 the opening of the polls as possible, the clerk shall deliver the
 9 absent voter ballot return envelopes to the chairperson or other
 10 member of the board of election inspectors in the absent voter's
 11 precinct, together with the signed absent voter ballot applications
 12 received by the clerk from any voters of that precinct and the
 13 clerk's list or record kept relative to those absent voters.

14 However, if higher numbered ballots are used under section 717, the
 15 clerk shall retain the applications and lists in his or her office
 16 and shall keep the applications and lists open to public inspection
 17 at all reasonable hours. ~~Absent~~ **Except as otherwise provided in**
 18 **section 765a, absent** voter ballots must not be tabulated before the
 19 opening of the polls on election day.

20 (3) The city or township clerk, or authorized designee of the
 21 clerk, shall call for and receive absent voter ballots from the
 22 post office at which the city or township clerk regularly receives
 23 mail addressed to the city or township clerk on election day. Any
 24 envelopes containing absent voter ballots that are received from
 25 the post office or from voters who voted by absentee ballot in
 26 person in the clerk's office on election day must be delivered to
 27 the board of election inspectors or, except as otherwise provided
 28 in section 764d, the absent voter counting boards to be tabulated.

29 (4) **If the absent voter ballot return envelope containing a**

1 marked absent voter ballot is postmarked before or on election day
2 and the absent voter ballot is received by the city or township
3 clerk within 48 hours after 8 p.m. on election day, the city or
4 township clerk shall count and tabulate that absent voter ballot.
5 Not later than the third day after election day, each city and
6 township clerk shall transmit the results of the absent voter
7 ballots tabulated after the election to the board of county
8 canvassers of the county in which that city or township is located.
9 If the absent voter ballot return envelope containing a marked
10 absent voter ballot is **postmarked after election day or is** received
11 by the clerk **more than 48 hours** after ~~the close of the polls, 8~~
12 **p.m. on election day**, the clerk shall plainly mark the **return**
13 envelope with the time and date of receipt and shall file the
14 **return** envelope in his or her office.

15 (5) On or before 8 a.m. on election day, the clerk shall post
16 in the clerk's office or otherwise make public the number of absent
17 voter ballots the clerk distributed to absent voters and the number
18 of absent voter ballot return envelopes containing the marked
19 ballots of absent voters received by the clerk before election day
20 and to be delivered to the board of election inspectors or the
21 absent voter counting boards under this act. On or before 9 p.m. on
22 election day, the clerk shall post in the clerk's office or
23 otherwise make public the number of absent voter ballot return
24 envelopes containing the marked ballots of absent voters received
25 by the clerk on election day and delivered to the board of election
26 inspectors, under subsection (3), along with the total number of
27 absent voter ballot return envelopes containing the marked ballots
28 of absent voters received by the clerk both before and on election
29 day and delivered to the board of election inspectors or the absent

1 voter counting boards under this act. As soon as possible after all
2 precincts in the city or township are processed, the clerk shall
3 post in the clerk's office or otherwise make public the number of
4 absent voter ballot return envelopes containing the marked ballots
5 of absent voters received by the election inspectors at the
6 precincts on election day, along with the total number of absent
7 voter ballot return envelopes containing the marked ballots of
8 absent voters received in the city or township for that election.
9 This subsection applies only to elections in which a federal or
10 state office appears on the ballot.

11 (6) For the November 3, 2020 general election only, if the
12 clerk of a city or township with a population of at least 25,000
13 provides written notice in compliance with this subsection to the
14 secretary of state 20 days or more before election day, that city
15 or township clerk, or his or her authorized designee, may between
16 the hours of 10 a.m. and 8 p.m. on the day before election day
17 perform certain absent voter ballot pre-processing activities as
18 described in this subsection. The written notice provided to the
19 secretary of state must include the location and hours that the
20 absent voter ballot return envelopes will be opened in that city or
21 township. The secretary of state shall post any written notice
22 received from the clerk of a city or township under this subsection
23 on the department of state website. In addition, the clerk of the
24 city or township shall post the written notice provided to the
25 secretary of state on the city or township website. The board of
26 election commissioners shall appoint election inspectors to the
27 location where absent voter ballot return envelopes will be opened
28 in that city or township not less than 21 days or more than 40 days
29 before the day at which they are to be used. Election inspectors

1 may be appointed by the board of election commissioners under this
2 subsection before written notice is provided to the secretary of
3 state under this subsection. Sections 673a and 674 apply to the
4 appointment of election inspectors under this subsection. All
5 requirements for election inspectors appointed to an absent voter
6 counting board under section 765a apply to election inspectors
7 appointed under this subsection. At all times, at least 1 election
8 inspector from each major political party must be present at the
9 location and the policies and procedures adopted by the secretary
10 of state regarding the handling of absent voter ballot return
11 envelopes and absent voter ballot secrecy envelopes must be
12 followed. After providing written notice to the secretary of state
13 in compliance with this subsection, a city or township clerk, or
14 his or her authorized designee, on the day before election day is
15 only authorized to perform standard processing activities up to and
16 including the opening of absent voter ballot return envelopes and
17 the removal of absent voter ballot secrecy envelopes containing
18 absent voter ballots and to verify that the ballot number on the
19 ballot stub agrees with the ballot number on the absent voter
20 ballot return envelope label. The city or township clerk, or his or
21 her authorized designee, is not authorized to remove absent voter
22 ballots from the absent voter ballot secrecy envelopes. If an
23 opened absent voter ballot return envelope contains an absent voter
24 ballot that is not contained in an absent voter ballot secrecy
25 envelope, the city or township clerk, or his or her designee, shall
26 immediately insert that absent voter ballot into an absent voter
27 ballot secrecy envelope. The opening of absent voter ballot return
28 envelopes must be done at a location designated by the city or
29 township clerk, and the location and opening of absent voter ballot

1 return envelopes must be accessible to challengers as described in
2 section 730. The election inspectors appointed to the location
3 where absent voter ballot return envelopes will be opened in that
4 city or township must never leave the absent voter ballot secrecy
5 envelopes unattended. Once the absent voter ballot return envelopes
6 have been opened as provided in this subsection, the absent voter
7 ballot secrecy envelopes containing the absent voter ballots to be
8 counted must be stored, secured, and sealed in an absent voter
9 ballot secrecy envelope container, as described in section 24k, or
10 stored, secured, and sealed in a ballot container approved under
11 section 24j. The city or township clerk shall record the seal
12 number in the poll book, or an addendum to the poll book, and
13 follow all other policies and procedures adopted by the secretary
14 of state regarding absent voter ballots. The poll book, or an
15 addendum to the poll book, must be signed and dated by 1 election
16 inspector from each major political party who is present at the
17 location on the day before election day. The city or township clerk
18 shall store the absent voter ballot secrecy envelope container
19 containing the absent voter ballot secrecy envelopes in a secure
20 location until election day.

21 (7) The election inspectors who are appointed under subsection
22 (6) shall record in the poll book, or an addendum to the poll book,
23 all of the following:

24 (a) The number of absent voter ballot return envelopes that
25 were opened on the day before election day.

26 (b) The number of absent voter ballot return envelopes
27 delivered to the election inspectors that did not contain an
28 elector's signature and that were returned to the city or township
29 clerk.

1 (c) The number of absent voter ballot return envelopes that
2 were challenged, not opened by the election inspectors, and set
3 aside to be processed by the election inspectors on election day.

4 (8) The election inspectors who are appointed to an absent
5 voter counting board on election day as provided in section 765a
6 shall do all of the following:

7 (a) Verify the seal number recorded in the poll book, or an
8 addendum to the poll book, for any absent voter ballot secrecy
9 envelope container delivered to the absent voter counting board.

10 (b) Count and record in the poll book, or an addendum to the
11 poll book, both of the following:

12 (i) The number of absent voter ballot return envelopes opened
13 by the election inspectors on the day before election day as
14 provided under subsection (6) and the number of absent voter ballot
15 secrecy envelopes delivered to the absent voter counting board on
16 election day.

17 (ii) The number of absent voter ballot return envelopes that
18 were challenged, not opened by the election inspectors on the day
19 before election day, and set aside to be processed by the election
20 inspectors on election day.

21 (9) Not later than March 1, 2021, the secretary of state shall
22 provide a written report to the house and senate committees dealing
23 with elections that contains all of the following information:

24 (a) The number of cities and townships that performed absent
25 voter ballot pre-processing activities as described in subsection
26 (6).

27 (b) The names of the cities and townships that performed
28 absent voter ballot pre-processing activities as described in
29 subsection (6), and all of the following information for each of

1 those cities and townships:

2 (i) The number of registered electors in each city or township.

3 (ii) The number of active registered electors in each city or
4 township.

5 (iii) The number of electors who voted by absent voter ballot in
6 each city or township.

7 (iv) The number of electors who voted in person on election day
8 in each city or township.

9 (v) The number of absent voter ballots that were not returned
10 in each city or township.

11 (vi) The number of electors on a permanent absent voter list in
12 each city or township, if applicable.

13 (vii) The number of ballots that had to be duplicated in each
14 city or township.

15 (c) The total number of absent voter ballot return envelopes
16 that were opened on the day before election day.

17 (d) The total number of absent voter ballot return envelopes
18 delivered to the election inspectors that did not contain an
19 elector's signature and that were returned to the city or township
20 clerk.

21 (e) The total number of absent voter ballot return envelopes
22 that were challenged, not opened by the election inspectors, and
23 set aside to be processed by the election inspectors on election
24 day.

25 (f) The total number of absent voter ballot secrecy envelopes
26 that were stored in an absent voter ballot secrecy envelope
27 container.

28 (g) For each city or township that performed absent voter
29 ballot pre-processing activities as described in subsection (6),

1 whether the number of absent voter ballot return envelopes opened
2 on the day before election day matched the number of absent voter
3 ballot secrecy envelopes delivered to the absent voter counting
4 board on election day.

5 Sec. 765a. (1) Subject to section 764d, if a city or township
6 decides to use absent voter counting boards, the board of election
7 commissioners of that city or township shall establish an absent
8 voter counting board for each election day precinct in that city or
9 township. **A city or township may authorize absent voter counting**
10 **boards to be established to meet not only on election day, but also**
11 **for up to 22 days before election day. The city or township shall**
12 **provide notice of those absent voter counting boards authorized to**
13 **meet on days before election day as provided in subsection (14).**
14 **Absent voter counting boards established and authorized to meet on**
15 **days before election day must comply with the requirements in**
16 **subsection (15).** The ballot form of an absent voter counting board
17 must correspond to the ballot form of the election day precinct for
18 which it is established. After the polls close on election day, the
19 county, city, or township clerk responsible for producing the
20 accumulation report of the election results submitted by the boards
21 of precinct election inspectors shall format the accumulation
22 report to clearly indicate all of the following:

- 23 (a) The election day precinct returns.
24 (b) The corresponding absent voter counting board returns.
25 (c) A total of each election day precinct return and each
26 corresponding absent voter counting board return.

27 (2) Subject to section 764d, the board of election
28 commissioners shall establish the absent voter counting boards.
29 Subject to section 764d, the board of election commissioners shall

1 appoint the election inspectors to those absent voter counting
2 boards not less than 21 days or more than 40 days before the
3 election at which they are to be used. Sections 673a and 674 apply
4 to the appointment of election inspectors to absent voter counting
5 boards under this section. The board of election commissioners
6 shall determine the number of ballots that may be expeditiously
7 counted by an absent voter counting board in a reasonable period of
8 time, taking into consideration the size and complexity of the
9 ballot to be counted pursuant to the guidelines of the secretary of
10 state. Combined ballots must be regarded as the number of ballots
11 as there are sections to the ballot.

12 (3) If more than 1 absent voter counting board is to be used,
13 the city or township clerk shall determine the number of electronic
14 voting systems or the number of ballot boxes and the number of
15 election inspectors to be used in each of the absent voter counting
16 boards and to which absent voter counting board the absent voter
17 ballots for each precinct are assigned for counting.

18 (4) In a city or township that uses absent voter counting
19 boards under this section, absent voter ballots must be counted in
20 the manner provided in this section and, except as otherwise
21 provided in section 764d, absent voter ballots must not be
22 delivered to the polling places. Subject to section 764d, the board
23 of election commissioners shall provide a place for each absent
24 voter counting board to count the absent voter ballots. Section 662
25 applies to the designation and prescribing of the absent voter
26 counting place or places in which the absent voter counting board
27 performs its duties under this section, except the location may be
28 in a different jurisdiction if the county provides a tabulator for
29 use at a central absent voter counting board location in that

1 county. The places must be designated as absent voter counting
 2 places. Except as otherwise provided in this section, laws relating
 3 to paper ballot precincts, including laws relating to the
 4 appointment of election inspectors, apply to absent voter counting
 5 places. The provisions of this section relating to placing of
 6 absent voter ballots on electronic voting systems apply. More than
 7 1 absent voter counting board may be located in 1 building.

8 (5) The clerk of a city or township that uses absent voter
 9 counting boards shall supply each absent voter counting board with
 10 supplies necessary to carry out its duties under this act. The
 11 supplies must be furnished to the city or township clerk in the
 12 same manner and by the same persons or agencies as for other
 13 precincts.

14 (6) Subject to section 764d, absent voter ballots received by
 15 the clerk before election day must be delivered to the absent voter
 16 counting board by the clerk or the clerk's authorized assistant at
 17 the time the election inspectors of the absent voter counting
 18 boards report for duty, which time must be established by the board
 19 of election commissioners **or, if absent voter counting boards are**
 20 **authorized to be established before election day, by the city or**
 21 **township.** Except as otherwise provided in section 764d, absent
 22 voter ballots received by the clerk before the time set for the
 23 closing of the polls on election day must be delivered to the
 24 absent voter counting boards. ~~Except as otherwise provided in~~
 25 ~~section 765(6), absent~~ **Absent** voter ballots must be delivered to
 26 the absent voter counting boards or combined absent voter counting
 27 boards in the sealed absent voter ballot return envelopes in which
 28 they were returned to the clerk. Written or stamped on each of the
 29 return envelopes must be the time and the date that the envelope

1 was received by the clerk and a statement by the clerk that the
 2 signatures of the absent voters on the envelopes have been checked
 3 and found to agree with the signatures of the voters on the
 4 registration cards or the digitized signatures of voters contained
 5 in the qualified voter file as provided under section 766. If ~~it is~~
 6 ~~determined after 8 p.m. on the day before election day that a~~
 7 ~~signature on the registration card or a digitized signature~~
 8 ~~contained in the qualified voter file and on the absent voter~~
 9 ~~ballot return envelope does not agree as provided under section 766~~
 10 ~~, or if it is determined after 8 p.m. on the day before election~~
 11 ~~day that the absent voter failed to sign the envelope, or if the~~
 12 **clerk shall proceed as provided in section 766b. If** the statement
 13 of the absent voter is not properly executed, the clerk shall mark
 14 the envelope "rejected" and the reason for the rejection and shall
 15 place his or her name under the notation. An envelope marked
 16 "rejected" must not be delivered to the absent voter counting board
 17 or combined absent voter counting board but must be preserved by
 18 the clerk until other ballots are destroyed in the manner provided
 19 in this act. ~~If before 8 p.m. on the day before election day the~~
 20 ~~clerk of a city or township rejects an absent voter ballot return~~
 21 ~~envelope because the signature on the absent voter ballot return~~
 22 ~~envelope does not agree sufficiently with the signature on the~~
 23 ~~master card or the digitized signature contained in the qualified~~
 24 ~~voter file so as to identify the elector or because the elector~~
 25 ~~failed to sign the absent voter ballot return envelope, the city or~~
 26 ~~township clerk shall as soon as practicable, but in no event later~~
 27 ~~than 48 hours after determining the signatures do not agree~~
 28 ~~sufficiently or that the signature is missing, or by 8 p.m. on the~~
 29 ~~day before election day, whichever occurs first, notify the elector~~

1 ~~of the rejection by mail, telephone, or electronic mail.~~ The clerk
2 shall also comply with section 765(5).

3 (7) This chapter does not prohibit an absent voter from voting
4 in person within the voter's precinct at an election,
5 notwithstanding that the voter may have applied for an absent voter
6 ballot and the ballot may have been mailed or otherwise delivered
7 to the voter. The voter, the election inspectors, and other
8 election officials shall proceed in the manner prescribed in
9 section 769. The clerk shall preserve the canceled ballots for 2
10 years.

11 (8) The absent voter counting boards and combined absent voter
12 counting boards shall process the ballots and returns in as nearly
13 as possible the same manner as ballots are processed in paper
14 ballot precincts. The poll book may be combined with the absent
15 voter list or record required by section 760, and the applications
16 for absent voter ballots may be used as the poll list. ~~The~~ **Except**
17 **as otherwise provided in this section, the** processing and tallying
18 of absent voter ballots may commence at 7 a.m. on the day of the
19 election.

20 (9) An election inspector, challenger, or any other ~~person~~
21 **individual** in attendance at an absent voter counting place or
22 combined absent voter counting place at any time after the
23 processing of ballots has begun shall take and sign the following
24 oath that may be administered by the chairperson or a member of the
25 absent voter counting board or combined absent voter counting
26 board:

27 "I (name of ~~person~~ **individual** taking oath) do solemnly swear
28 (or affirm) that I shall not communicate in any way any information
29 relative to the processing or tallying of votes that may come to me

1 while in this counting place until after the polls are closed.".

2 (10) The oaths administered under subsection (9) must be
3 placed in an envelope provided for the purpose and sealed with the
4 red state seal. Following the election, the oaths must be delivered
5 to the city or township clerk. Except as otherwise provided in
6 subsection (12), ~~a person~~ **an individual** in attendance at the absent
7 voter counting place or combined absent voter counting place shall
8 not leave the counting place after the tallying has begun until the
9 polls close. Subject to this subsection, the clerk of a city or
10 township may allow the election inspectors appointed to an absent
11 voter counting board in that city or township to work in shifts. A
12 second or subsequent shift of election inspectors appointed for an
13 absent voter counting board may begin that shift at any time on
14 election day as provided by the city or township clerk. However, an
15 election inspector shall not leave the absent voter counting place
16 after the tallying has begun until the polls close. If the election
17 inspectors appointed to an absent voter counting board are
18 authorized to work in shifts, at no time shall there be a gap
19 between shifts and the election inspectors must never leave the
20 absent voter ballots unattended. At all times, at least 1 election
21 inspector from each major political party must be present at the
22 absent voter counting place and the policies and procedures adopted
23 by the secretary of state regarding the counting of absent voter
24 ballots must be followed. ~~A person~~ **An individual** who causes the
25 polls to be closed or who discloses an election result or in any
26 manner characterizes how any ballot being counted has been voted in
27 a voting precinct before the time the polls can be legally closed
28 on election day is guilty of a felony.

29 (11) Voted absent voter ballots must be placed in an approved

1 ballot container, and the ballot container must be sealed in the
 2 manner provided by this act for paper ballot precincts. The seal
 3 numbers must be recorded on the statement sheet and in the poll
 4 book.

5 (12) Subject to this subsection, a local election official who
 6 has established an absent voter counting board or combined absent
 7 voter counting board, the deputy or employee of that local election
 8 official, an employee of the state bureau of elections, a county
 9 clerk, an employee of a county clerk, or a representative of a
 10 voting equipment company may enter and leave an absent voter
 11 counting board or combined absent voter counting board after the
 12 tally has begun but before the polls close, **and between 8 a.m. and**
 13 **5 p.m. on any day before election day authorized by a city or**
 14 **township if absent voter counting boards are established to open,**
 15 **process, and tabulate absent voter ballots before election day.** A
 16 ~~person~~**An individual** described in this subsection may enter an
 17 absent voter counting board or combined absent voter counting board
 18 only for the purpose of responding to an inquiry from an election
 19 inspector or a challenger or providing instructions on the
 20 operation of the counting board. Before entering an absent voter
 21 counting board or combined absent voter counting board, ~~a person~~**an**
 22 **individual** described in this subsection must take and sign the oath
 23 prescribed in subsection (9). The chairperson of the absent voter
 24 counting board or combined absent voter counting board shall record
 25 in the poll book the name of ~~a person~~**an individual** described in
 26 this subsection who enters the absent voter counting board or
 27 combined absent voter counting board. ~~A person~~**An individual**
 28 described in this subsection who enters an absent voter counting
 29 board or combined absent voter counting board and who discloses an

1 election result or in any manner characterizes how any ballot being
2 counted has been voted in a precinct before the time the polls can
3 be legally closed on election day is guilty of a felony. As used in
4 this subsection, "local election official" means a county, city, or
5 township clerk.

6 (13) The secretary of state shall develop instructions
7 consistent with this act for the conduct of absent voter counting
8 boards or combined absent voter counting boards. The secretary of
9 state shall distribute the instructions developed under this
10 subsection to county, city, and township clerks 40 days or more
11 before a general election in which absent voter counting boards or
12 combined absent voter counting boards will be used. A county, city,
13 or township clerk shall make the instructions developed under this
14 subsection available to the public and shall distribute the
15 instructions to each challenger in attendance at an absent voter
16 counting board or combined absent voter counting board. The
17 instructions developed under this subsection are binding upon the
18 operation of an absent voter counting board or combined absent
19 voter counting board used in an election conducted by a county,
20 city, or township.

21 (14) **No later than 5 days before the first day absent voter**
22 **ballots can be opened, processed, or tabulated, a city or township**
23 **that authorizes absent voter counting boards to be established**
24 **before election day shall provide notice in a newspaper of general**
25 **circulation in that city or township of the location, dates, and**
26 **hours the absent voter counting boards will meet before election**
27 **day. In addition, the notice required under this subsection must**
28 **state that an absent voter who votes and returns his or her absent**
29 **voter ballot to the city or township clerk is not permitted to**

1 spoil his or her absent voter ballot after the date the absent
2 voter counting boards in that city or township are authorized to
3 meet to open, process, and tabulate absent voter ballots. The city
4 or township shall also provide the notice described in this
5 subsection to the county chairperson of each political party where
6 that city or township is located.

7 (15) Absent voter counting boards established and authorized
8 to meet on days before election day shall meet only between 8 a.m.
9 and 5 p.m. on those days authorized by the city or township before
10 election day, and shall meet beginning at 7 a.m. on election day.
11 Absent voter counting boards established and authorized to meet on
12 days before election day are only permitted to open, process, and
13 tabulate absent voter ballots and are not permitted to tally or
14 count the results of those absent voter ballots. A tabulator used
15 in an absent voter counting board before election day must be
16 programmed to not reveal any election results until election day.
17 Each day before election day, the absent voter ballots that have
18 been opened, processed, and tabulated in an absent voter counting
19 board must be secured in an approved ballot container and sealed in
20 the manner as provided in subsection (11). The ballot container
21 must be kept in a secure location until election day.

22 Sec. 765b. (1) ~~Not~~ **Except as otherwise provided in subsection**
23 **(9), not** later than 5 p.m. on the Friday immediately before an
24 election, an elector may submit a signed, written statement to his
25 or her city or township clerk requesting that the clerk do both of
26 the following:

- 27 (a) Spoil the elector's absent voter ballot.
28 (b) Provide or mail a new absent voter ballot to the elector.
29 (2) Upon receipt of a signed, written statement from an

1 elector as described in subsection (1), the city or township clerk
 2 shall mark the absent voter ballot return envelope of that elector
 3 as "spoiled" and retain the envelope. In addition, the city or
 4 township clerk shall provide or mail a new absent voter ballot to
 5 that elector.

6 (3) ~~An~~ **Except as otherwise provided in subsection (9), an**
 7 elector who has returned an absent voter ballot may, before 10 a.m.
 8 on the day before an election except Sunday or a legal holiday,
 9 appear in person at his or her city or township clerk's office to
 10 do both of the following:

11 (a) Spoil his or her absent voter ballot by submitting a
 12 signed, written statement to the city or township clerk indicating
 13 that the elector wishes to have his or her absent voter ballot
 14 spoiled.

15 (b) Vote a new absent voter ballot in the clerk's office.

16 (4) Upon receipt of the signed, written statement from an
 17 elector as described in subsection (3) (a), the city or township
 18 clerk shall mark the absent voter ballot return envelope of that
 19 elector as "spoiled" and retain the envelope. In addition, the city
 20 or township clerk shall issue the elector a new absent voter ballot
 21 that must be voted by the elector in the clerk's office.

22 (5) Not later than 5 p.m. on the Friday immediately before an
 23 election, an elector who has lost his or her absent voter ballot or
 24 not yet received his or her absent voter ballot in the mail may
 25 submit a signed, written statement to his or her city or township
 26 clerk requesting that the clerk do both of the following:

27 (a) Spoil the elector's absent voter ballot.

28 (b) Provide or mail a new absent voter ballot to the elector.

29 (6) Upon receipt of a signed, written statement from an

1 elector as described in subsection (5), the city or township clerk
2 shall indicate in the qualified voter file that the original ballot
3 is spoiled. In addition, the city or township clerk shall provide
4 or mail a new absent voter ballot to that elector.

5 (7) An elector who has lost his or her absent voter ballot or
6 not yet received his or her absent voter ballot in the mail may,
7 before 4 p.m. on the day before an election except Sunday or a
8 legal holiday, appear in person at his or her city or township
9 clerk's office to do both of the following:

10 (a) Spoil his or her absent voter ballot by submitting a
11 signed, written statement to the city or township clerk indicating
12 that the elector wishes to have his or her absent voter ballot
13 spoiled.

14 (b) Vote a new absent voter ballot in the clerk's office.

15 (8) Upon receipt of the signed, written statement from an
16 elector described in subsection (7)(a), the city or township clerk
17 shall indicate in the qualified voter file that the original ballot
18 is spoiled. In addition, the city or township clerk shall issue the
19 elector a new absent voter ballot that must be voted by the elector
20 in the clerk's office.

21 **(9) If a city or township authorizes that absent voter**
22 **counting boards be established to open, process, and tabulate**
23 **absent voter ballots before election day as provided in section**
24 **765a, an elector who has voted and returned his or her absent voter**
25 **ballot to the city or township clerk is not permitted to spoil his**
26 **or her absent voter ballot after the date absent voter counting**
27 **boards in that city or township are authorized to meet and begin**
28 **opening, processing, and tabulating absent voter ballots.**

29 Sec. 766. (1) Upon receipt from the city or township clerk of

1 any envelope containing the marked ballot or ballots of an absent
2 voter, the board of **election** inspectors ~~of election~~ shall verify
3 the legality of the vote by doing both of the following:

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

11 (b) Examining the statement of the voter to see that it is
12 properly executed.

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

21 **(3) If the board of election inspectors determines that the**
22 **signature on the statement does not agree with the signature on the**
23 **registration record, the board of election inspectors shall notify**
24 **the clerk of the city or township that the signatures do not agree**
25 **and the clerk of the city or township shall proceed as provided in**
26 **section 766b.**

27 **Sec. 766a. (1) If the clerk of a city or township rejects an**
28 **absent voter ballot application because the signature on the absent**
29 **voter ballot application does not agree with the signature on the**

1 master card or the digitized signature contained in the qualified
2 voter file so as to identify the elector, the city or township
3 clerk shall as soon as practicable notify the elector of the
4 rejection by mail, telephone, or electronic mail. An elector who is
5 notified of a rejection by a clerk under this subsection may,
6 subject to the identification requirement in section 761(6), appear
7 in person at the clerk's office before 8 p.m. on election day to
8 verify his or her signature and obtain his or her absent voter
9 ballot.

10 (2) If the clerk of a city or township rejects an absent voter
11 ballot application because the elector failed to sign the absent
12 voter ballot application, the city or township clerk shall as soon
13 as practicable notify the elector of the rejection by mail,
14 telephone, or electronic mail. An elector who is notified of a
15 rejection by a clerk under this subsection may, subject to the
16 identification requirement in section 761(6), appear in person at
17 the clerk's office before 8 p.m. on election day to sign his or her
18 absent voter ballot application and obtain his or her absent voter
19 ballot.

20 Sec. 766b. (1) If the clerk of a city or township or the board
21 of election inspectors rejects an absent voter ballot return
22 envelope because the signature on the absent voter ballot return
23 envelope does not agree with the signature on the master card or
24 the digitized signature contained in the qualified voter file so as
25 to identify the elector, the return envelope must not be opened and
26 the city or township clerk shall as soon as practicable, but not
27 less than 10 days before the certification of the election, notify
28 the elector of the rejection by mail, telephone, or electronic
29 mail. An elector who is notified of a rejection by a city or

1 township clerk under this subsection may, no later than 5 p.m. of
2 the third day before the certification of the election, verify his
3 or her signature by delivering in person, by mail, by facsimile, or
4 by electronic mail to the city or township clerk a signature
5 verification statement signed by the elector. If an elector who is
6 notified of a rejection under this subsection fails to verify his
7 or her signature as provided in this section, the absent voter
8 ballot for that elector must not be counted.

9 (2) The signature verification statement, and the notice and
10 instructions for that statement, must be in substantially the
11 following form:

12 SIGNATURE VERIFICATION STATEMENT

13 I, _____, am a registered voter of
14 _____ county, _____ city or township,
15 State of Michigan.

16 I declare under penalty of perjury that I requested and
17 returned an absent voter ballot return envelope. I am a resident of
18 the precinct in which I have voted, and I am the individual whose
19 name appears on the absent voter ballot return envelope. I
20 understand that if I commit or attempt any fraud in connection with
21 voting, or if I aid or abet fraud or attempt to aid or abet fraud
22 in connection with voting, I may be convicted of a felony. I
23 understand that my failure to sign this statement means that my
24 absent voter ballot will not be counted.

25 Voter's Signature: _____

26 Voter's Address: _____

27 NOTICE AND INSTRUCTIONS

1 READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE
2 INSTRUCTIONS MAY CAUSE YOUR ABSENT VOTER BALLOT TO NOT BE
3 COUNTED.

4 1. We have determined that the signature you provided on your
5 absent voter ballot return envelope does not agree with the
6 signature on file in your voter record. In order to ensure that
7 your absent voter ballot will be counted, the signature
8 verification statement must be completed and returned as soon as
9 possible.

10 2. The signature verification statement must be received by
11 the city or township clerk of the city or township where you are
12 registered to vote no later than 5 p.m. of the third day before the
13 certification of the election (Deadline Date: _____).

14 3. You must sign your name where specified on the signature
15 verification statement (Voter's Signature).

16 4. Place the signature verification statement into a mailing
17 envelope addressed to your city or township clerk. Mail, deliver,
18 or have the completed statement delivered to the city or township
19 clerk. Be sure there is sufficient postage if mailed and that the
20 address of the city or township clerk is correct.

21 5. If you do not wish to send the signature verification
22 statement by mail or have it delivered, you may submit your
23 completed statement by electronic mail or facsimile transmission to
24 your city or township clerk using the information provided.

25 (3) Upon receiving a signature verification statement signed
26 by an elector, the city or township clerk shall compare the
27 signature on the statement with the signature on the master card or
28 the digitized signature contained in the qualified voter file for
29 that elector. If the city or township clerk determines that the

1 signatures agree, the absent voter ballot of that elector must be
2 counted. Except as otherwise provided in this subsection, if the
3 city or township clerk determines that the signatures do not agree,
4 the return envelope for that absent voter must not be opened and
5 the absent voter ballot of that elector must not be counted. The
6 city or township clerk shall write the cause of the rejection on
7 the face of an absent voter ballot return envelope that is
8 rejected. If an elector returns his or her signature verification
9 statement in person to the city or township clerk and the elector
10 presents identification for election purposes to the city or
11 township clerk, the absent voter ballot of that elector must be
12 counted even if the signatures do not agree.

13 (4) If the clerk of a city or township rejects an absent voter
14 ballot return envelope because the elector failed to sign the
15 absent voter ballot return envelope, the return envelope must not
16 be opened and the city or township clerk shall as soon as
17 practicable, but not less than 10 days before the certification of
18 the election, notify the elector of the rejection by mail,
19 telephone, or electronic mail. An elector who is notified of a
20 rejection by a city or township clerk under this subsection may, no
21 later than 5 p.m. of the third day before the certification of the
22 election, complete and submit by delivering in person, by mail, by
23 facsimile, or by electronic mail to the city or township clerk an
24 unsigned ballot statement signed by the elector. If an elector who
25 is notified of a rejection under this subsection fails to submit a
26 signed statement as provided in this subsection, the absent voter
27 ballot for that elector must not be counted.

28 (5) The unsigned ballot statement, and the notice and
29 instructions for that statement, must be in substantially the

1 following form:

2 UNSIGNED BALLOT STATEMENT

3 I, _____, am a registered voter of
4 _____ county, _____ city or township,
5 State of Michigan.

6 I declare under penalty of perjury that I requested and
7 returned an absent voter ballot return envelope and that I have not
8 and will not vote more than 1 ballot in this election. I am a
9 resident of the precinct in which I have voted, and I am the
10 individual whose name appears on the absent voter ballot return
11 envelope. I understand that if I commit or attempt any fraud in
12 connection with voting, or if I aid or abet fraud or attempt to aid
13 or abet fraud in connection with voting, I may be convicted of a
14 felony. I understand that my failure to sign this statement means
15 that my absent voter ballot will not be counted.

16 Voter's Signature: _____

17 Voter's Address: _____

18 NOTICE AND INSTRUCTIONS

19 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
20 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
21 ABSENT VOTER BALLOT TO NOT BE COUNTED.

22 1. In order to ensure that your absent voter ballot will be
23 counted, the unsigned ballot statement must be completed and
24 returned as soon as possible so that it can reach the city or
25 township clerk of the city or township in which you are registered
26 to vote no later than 5 p.m. of the third day before the
27 certification of the election (Deadline Date: _____).

28 2. You must sign your name where specified on the unsigned
29 ballot statement (Voter's Signature).

1 3. Place the unsigned ballot statement into a mailing envelope
2 addressed to your city or township clerk. Mail, deliver, or have
3 the completed statement delivered to the city or township clerk. Be
4 sure there is sufficient postage if mailed and that the address of
5 the city or township clerk is correct.

6 4. If you do not wish to send the unsigned ballot statement by
7 mail or have it delivered, you may submit your completed statement
8 by electronic mail or facsimile transmission to your city or
9 township clerk using the information provided.

10 (6) Upon receiving an unsigned ballot statement signed by an
11 elector, the city or township clerk shall compare the signature on
12 the statement with the signature on the master card or the
13 digitized signature contained in the qualified voter file for that
14 elector. If the city or township clerk determines that the
15 signatures agree, the absent voter ballot of that elector must be
16 counted. Except as otherwise provided in this subsection, if the
17 city or township clerk determines that the signatures do not agree,
18 the return envelope for that absent voter must not be opened and
19 the absent voter ballot of that elector must not be counted. The
20 city or township clerk shall write the cause of the rejection on
21 the face of an absent voter ballot return envelope that is
22 rejected. If an elector returns his or her unsigned ballot
23 statement in person to the city or township clerk and the elector
24 presents identification for election purposes to the city or
25 township clerk, the absent voter ballot of that elector must be
26 counted even if the signatures do not agree.

27 (7) The clerk of each city or township shall include the
28 signature verification statement and unsigned ballot statement on
29 the city or township website. The portion of the city or township

1 website containing the signature verification statement and
 2 unsigned ballot statement must include the city or township clerk's
 3 mailing address, electronic mail address, and facsimile
 4 transmission number.

5 Sec. 767. If upon an ~~examination of~~ **examining** the envelope
 6 containing an absent voter's ballot or ballots, ~~it is determined~~
 7 ~~that the signature on the envelope does not agree sufficiently with~~
 8 ~~the signature on the registration card or the digitized signature~~
 9 ~~contained in the qualified voter file as provided under section 766~~
 10 ~~so as to identify the voter or if the board shall have~~ **has**
 11 knowledge that the ~~person~~ **individual** voting the ballot or ballots
 12 has died, or if it is determined by a majority of the board that
 13 ~~such~~ **the** vote is illegal for any other reason, then ~~such~~ **the** vote
 14 shall ~~must~~ be rejected, and ~~thereupon~~ some member of the board
 15 shall, without opening the envelope, mark across the face of ~~such~~
 16 **the** envelope, "rejected as illegal", and the reason ~~therefor.~~ **for**
 17 **the rejection.** The statement shall ~~must~~ be initialed by the
 18 ~~chairman~~ **chairperson** of the board of election inspectors. ~~Said~~ **The**
 19 envelope and the **absent voter** ballot or ballots contained ~~therein~~
 20 ~~shall~~ **in the envelope must** be returned to the city, ~~or~~ township ~~or~~
 21 ~~village~~ clerk and retained and preserved in the manner now provided
 22 by law for the retention and preservation of official ballots voted
 23 at ~~such~~ **an** election.

24 Enacting section 1. Section 14b of the Michigan election law,
 25 1954 PA 116, MCL 168.14b, is repealed.