

SENATE BILL No. 1238

November 29, 2018, Introduced by Senator KOWALL and referred to the Committee on Elections and Government Reform.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 3, 31a, 491, 495, 497, 498, 500d, 509w, 509x, 523a, 759, 761, 765, 811, 813, and 829 (MCL 168.2, 168.3, 168.31a, 168.491, 168.495, 168.497, 168.498, 168.500d, 168.509w, 168.509x, 168.523a, 168.759, 168.761, 168.765, 168.811, 168.813, and 168.829), sections 2, 523a, 761, and 813 as amended by 2018 PA 129, section 3 as amended by 2003 PA 302, section 31a as added and section 811 as amended by 2012 PA 271, sections 491, 495, 497, 498, and 500d as amended by 2018 PA 125, sections 509w and 509x as added by 1994 PA 441, sections 759 and 829 as amended by 2012 PA 523, and section 765 as amended by 2018 PA 127, and by adding sections 493a, 499e, and 761b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) ~~"Absent voter" is defined in section 758.~~ **A VOTER WHO**
3 **UTILIZES THE PROCESS DESCRIBED IN SECTION 759.**
- 4 **(B) "ABSENT VOTER BALLOT" MEANS A BALLOT THAT IS ISSUED TO A**
5 **VOTER THROUGH THE ABSENTEE VOTER PROCESS.**
- 6 (C) ~~(b)~~ "Ballot container" is defined in section 14a.
- 7 (D) ~~(c)~~ "Business day" or "secular day" means a day that is
8 not a Saturday, Sunday, or legal holiday.
- 9 (E) ~~(d)~~ "Clearly observable boundaries" is defined in
10 section 654a.
- 11 (F) ~~(e)~~ "Election" means an election or primary election at
12 which the electors of this state or of a subdivision of this
13 state choose or nominate by ballot an individual for public
14 office or decide a ballot question lawfully submitted to them.
- 15 (G) ~~(f)~~ "Election precinct" is defined in section 654.
- 16 (H) ~~(g)~~ "Fall" state and county conventions and "spring"
17 state and county conventions are assigned meanings in section
18 596.
- 19 (I) ~~(h)~~ "General election" or "general November election"
20 means the election held on the November regular election date in
21 an even numbered year.
- 22 (J) ~~(i)~~ "Identification for election purposes" means, if
23 issued to the individual presenting the card or document and if
24 presented for voting purposes the name on the card or document
25 sufficiently matches the individual's name in his or her voter
26 registration record so as to accurately identify the individual

1 as the registered elector, or if issued to the individual
2 presenting the card or document and if presented for voter
3 registration purposes, any of the following:

4 (i) An operator's or chauffeur's license issued under the
5 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an
6 enhanced driver license issued under the enhanced driver license
7 and enhanced official state personal identification card act,
8 2008 PA 23, MCL 28.301 to 28.308.

9 (ii) An official state personal identification card issued
10 under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official
11 state personal identification card issued under the enhanced
12 driver license and enhanced official state personal
13 identification card act, 2008 PA 23, MCL 28.301 to 28.308.

14 (iii) A current operator's or chauffeur's license issued by
15 another state.

16 (iv) A current state personal identification card issued by
17 another state.

18 (v) A current state government issued photo identification
19 card.

20 (vi) A current United States passport or federal government
21 issued photo identification card.

22 (vii) A current military photo identification card.

23 (viii) A current tribal photo identification card.

24 (ix) A current student photo identification card issued by a
25 high school in this state, an institution of higher education in
26 this state described in section 4, 5, or 6 of article VIII of the
27 state constitution of 1963, a junior college or community college

1 established under section 7 of article VIII of the state
 2 constitution of 1963, or another accredited degree or certificate
 3 granting college or university, junior college, or community
 4 college located in this state.

5 (K) ~~(j)~~—"Immediate family" means an individual's father,
 6 mother, son, daughter, brother, sister, and spouse and a relative
 7 of any degree residing in the same household as that individual.

8 Sec. 3. As used in this act:

9 (a) "Locked and sealed" is defined in section 14.

10 (b) "Major political party" is defined in section 16.

11 (c) "Metal seal" or "seal" is defined in section 14a.

12 (d) "Name that was formally changed" means a name changed by
 13 a proceeding under chapter XI of the probate code of 1939, 1939
 14 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a
 15 similar, statutorily sanctioned procedure under the law of
 16 another state or country.

17 (e) "Odd year general election" means the election held on
 18 the November regular election date in an odd numbered year.

19 (f) "Odd year primary election" means the election held on
 20 the August regular election date in an odd numbered year.

21 (g) "Primary" or "primary election" is defined in section 7.

22 (H) **"REGULAR BALLOT" MEANS A BALLOT THAT IS ISSUED TO A**
 23 **VOTER ON ELECTION DAY AT A POLLING PLACE LOCATION.**

24 (I) ~~(h)~~—"Qualified elector" is defined in section 10.

25 (J) ~~(i)~~—"Qualified voter file" is defined in section 509m.

26 (K) ~~(j)~~—"Regular election" means an election held on a
 27 regular election date to elect an individual to, or nominate an

1 individual for, elective office in the regular course of the
2 terms of that elective office.

3 (I) ~~(K)~~—"Regular election date" means 1 of the dates
4 established as a regular election date in section 641.

5 (M) ~~(L)~~—"Residence" is defined in section 11.

6 Sec. 31a. (1) In order to ensure compliance with the
7 provisions of this act, after each election the secretary of
8 state may audit election precincts.

9 (2) The secretary of state shall ~~develop an election audit~~
10 ~~program that details the documents to be inspected and the~~
11 ~~procedures to be used during an election audit conducted under~~
12 ~~this section.~~ **CONDUCT ELECTION AUDITS, INCLUDING STATEWIDE**
13 **ELECTION AUDITS, THAT REVIEW THE DOCUMENTS, BALLOTS, AND**
14 **PROCEDURES USED DURING AN ELECTION AS PRESCRIBED IN SECTION 4 OF**
15 **ARTICLE II OF THE STATE CONSTITUTION OF 1963.** The secretary of
16 state ~~may~~ **SHALL** train and certify county clerks and their staffs
17 for the purpose of conducting election audits of precincts
18 randomly selected by the secretary of state in their counties. **AN**
19 **ELECTION AUDIT MUST INCLUDE AN AUDIT OF THE RESULTS OF AT LEAST 1**
20 **RACE IN EACH PRECINCT SELECTED FOR AN AUDIT. A STATEWIDE ELECTION**
21 **AUDIT MUST INCLUDE AN AUDIT OF THE RESULTS OF AT LEAST 1**
22 **STATEWIDE RACE OR STATEWIDE BALLOT QUESTION. AN AUDIT CONDUCTED**
23 **UNDER THIS SECTION IS NOT A RECOUNT AND DOES NOT CHANGE ANY**
24 **CERTIFIED ELECTION RESULTS.** The secretary of state shall
25 supervise each county clerk in the performance of election audits
26 conducted under this section.

27 (3) Each county clerk who conducts an election audit under

1 this section shall provide the results of the election audit to
2 the secretary of state within 20 days after the election audit.

3 Sec. 491. The inspectors of election at an election, primary
4 election, or special election in this state shall not receive the
5 vote of an individual whose name is not on the voter registration
6 list generated from the qualified voter file for the precinct in
7 which he or she offers to vote unless the individual meets the
8 requirements of section 523a, **OR THE INDIVIDUAL REGISTERED TO**
9 **VOTE IN PERSON AT THE CITY OR TOWNSHIP CLERK'S OFFICE IN THE CITY**
10 **OR TOWNSHIP IN WHICH HE OR SHE RESIDES DURING THE 14 DAYS BEFORE**
11 **THE DAY OF AN ELECTION OR ON THE DAY OF AN ELECTION AND THE**
12 **INDIVIDUAL PRESENTS A VOTER REGISTRATION RECEIPT TO THE**
13 **INSPECTORS OF ELECTION.**

14 SEC. 493A. (1) SUBJECT TO SUBSECTIONS (2) AND (3), THE
15 SECRETARY OF STATE SHALL AUTOMATICALLY REGISTER TO VOTE EACH
16 INDIVIDUAL WHO MEETS THE QUALIFICATIONS OF AN ELECTOR UNDER
17 SECTION 492 AND WHO SUBMITS AN APPLICATION FOR AN OPERATOR'S OR
18 CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949
19 PA 300, MCL 257.1 TO 257.923, AN OFFICIAL STATE PERSONAL
20 IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291 TO
21 28.300, OR AN ENHANCED DRIVER LICENSE OR ENHANCED OFFICIAL STATE
22 PERSONAL IDENTIFICATION CARD ISSUED UNDER THE ENHANCED DRIVER
23 LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD
24 ACT, 2008 PA 23, MCL 28.301 TO 28.308. IN ADDITION, SUBJECT TO
25 SUBSECTIONS (2) AND (3), THE SECRETARY OF STATE SHALL
26 AUTOMATICALLY REGISTER TO VOTE EACH INDIVIDUAL WHO MEETS THE
27 QUALIFICATIONS OF AN ELECTOR UNDER SECTION 492 AND WHO SUBMITS A

1 CHANGE OF ADDRESS APPLICATION FOR AN OPERATOR'S OR CHAUFFEUR'S
2 LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
3 257.1 TO 257.923, AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD
4 ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR AN ENHANCED
5 DRIVER LICENSE OR ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION
6 CARD ISSUED UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED
7 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL
8 28.301 TO 28.308.

9 (2) FOR PURPOSES OF SUBSECTION (1), THE SECRETARY OF STATE
10 SHALL ONLY AUTOMATICALLY REGISTER TO VOTE AN INDIVIDUAL WHO
11 INDICATES ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE
12 APPLICATION, OPERATOR'S OR CHAUFFEUR'S LICENSE RENEWAL
13 APPLICATION, OFFICIAL STATE PERSONAL IDENTIFICATION CARD
14 APPLICATION, OFFICIAL STATE PERSONAL IDENTIFICATION CARD RENEWAL
15 APPLICATION, OR CHANGE OF ADDRESS APPLICATION THAT HE OR SHE IS A
16 CITIZEN OF THE UNITED STATES.

17 (3) THE SECRETARY OF STATE SHALL NOT AUTOMATICALLY REGISTER
18 TO VOTE AN INDIVIDUAL WHO INDICATES ON THE OPERATOR'S OR
19 CHAUFFEUR'S LICENSE APPLICATION, OPERATOR'S OR CHAUFFEUR'S
20 LICENSE RENEWAL APPLICATION, OFFICIAL STATE PERSONAL
21 IDENTIFICATION CARD APPLICATION, OFFICIAL STATE PERSONAL
22 IDENTIFICATION CARD RENEWAL APPLICATION, ENHANCED DRIVER LICENSE
23 APPLICATION, ENHANCED DRIVER LICENSE RENEWAL APPLICATION,
24 ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD APPLICATION,
25 ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD RENEWAL
26 APPLICATION, OR CHANGE OF ADDRESS APPLICATION THAT HE OR SHE
27 DECLINES TO USE THE APPLICATION AS A VOTER REGISTRATION

1 APPLICATION.

2 (4) THE SECRETARY OF STATE SHALL ADD ANY INFORMATION
3 REQUIRED UNDER SECTION 509Q TO THE QUALIFIED VOTER FILE FOR EACH
4 ELECTOR REGISTERED UNDER SUBSECTION (1) AND SHALL FORWARD THE
5 NAME OF EACH ELECTOR REGISTERED UNDER THIS SECTION TO THE CLERK
6 OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH EACH ELECTOR
7 REGISTERED RESIDES.

8 Sec. 495. The registration application must contain all of
9 the following:

10 (a) The name of the elector.

11 (b) The residence address of the elector, including the
12 street and number or rural route and box number and the apartment
13 number, if any.

14 (c) The city or township and county of residence of the
15 elector, and the school district of the elector, if known.

16 (d) The birthplace and date of birth of the elector.

17 (e) The driver license or state personal identification card
18 number of the elector, if available.

19 (f) A statement that the elector is a citizen of the United
20 States.

21 (g) A statement that the elector is at the time of
22 completing the affidavit, or will be on the date of the next
23 election, not less than 18 years of age.

24 (h) A statement that the elector has or will have lived in
25 this state not less than 30 days before the next election.

26 (i) A statement that the elector has or will have
27 established his or her residence in the township or city in which

1 the elector is applying for registration not less than 30 days
2 before the next election.

3 (j) A statement that the elector is or will be a qualified
4 elector of the township, city, or village on the date of the next
5 election.

6 (k) A space in which the elector shall state the place of
7 the elector's last registration, if any.

8 (l) A statement that the registration is not effective until
9 processed by the clerk of the city or township in which the
10 applicant resides.

11 (m) A statement that the applicant, if qualified, may vote
12 at an election occurring ~~not less than 30 days~~ **ON OR** after the
13 date of completing the application.

14 (n) A statement authorizing the cancellation of registration
15 at the elector's last place of registration.

16 (o) A space for the elector to sign and certify to the truth
17 of the statements on the application.

18 Sec. 497. (1) An individual who is not registered **TO VOTE**
19 but possesses the qualifications of an elector as provided in
20 section 492 may apply for registration to the clerk of the
21 county, township, or city in which he or she resides ~~on a day~~
22 ~~other than Saturday, Sunday, a legal holiday, or the day of a~~
23 ~~regular, primary, school, or special election. Registrations~~
24 ~~accepted between the thirtieth day before an election and the day~~
25 ~~of the election, unless the thirtieth day falls on a Saturday,~~
26 ~~Sunday, or legal holiday, in which event registration must be~~
27 ~~accepted during the following day, are not valid for the election~~

1 ~~but are valid for subsequent regular, primary, school, or special~~
2 ~~elections that are held so that not less than 30 days intervene~~
3 ~~between the date the individual registered and the date of the~~
4 ~~election.~~ IN PERSON, DURING THE CLERK'S REGULAR BUSINESS HOURS, OR
5 BY MAIL OR ONLINE UNTIL THE FIFTEENTH DAY BEFORE AN ELECTION.

6 (2) AN INDIVIDUAL WHO IS NOT REGISTERED TO VOTE BUT
7 POSSESSES THE QUALIFICATIONS OF AN ELECTOR AS PROVIDED IN SECTION
8 492 MAY APPLY FOR REGISTRATION IN PERSON AT THE CITY OR TOWNSHIP
9 CLERK'S OFFICE OF THE CITY OR TOWNSHIP IN WHICH HE OR SHE RESIDES
10 FROM THE FOURTEENTH DAY BEFORE AN ELECTION AND CONTINUING THROUGH
11 THE DAY OF THE ELECTION. AN INDIVIDUAL WHO APPLIES TO REGISTER TO
12 VOTE UNDER THIS SUBSECTION MUST PROVIDE TO THE CITY OR TOWNSHIP
13 CLERK PROOF OF RESIDENCY IN THAT CITY OR TOWNSHIP. FOR PURPOSES
14 OF THIS SUBSECTION, "PROOF OF RESIDENCY" INCLUDES, SUBJECT TO
15 SUBSECTION (3), EITHER OF THE FOLLOWING:

16 (A) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER THE
17 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR AN
18 ENHANCED DRIVER LICENSE ISSUED UNDER THE ENHANCED DRIVER LICENSE
19 AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION ACT, 2008 PA
20 23, MCL 28.301 TO 28.308.

21 (B) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
22 UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR AN ENHANCED OFFICIAL
23 STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER THE ENHANCED
24 DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL
25 IDENTIFICATION CARD ACT, 2008 PA 23, MCL 28.301 TO 28.308.

26 (3) IF AN APPLICANT FOR VOTER REGISTRATION UNDER SUBSECTION
27 (2) DOES NOT HAVE PROOF OF RESIDENCY AS THAT TERM IS DEFINED IN

1 SUBSECTION (2), THE APPLICANT MAY PROVIDE AS HIS OR HER PROOF OF
2 RESIDENCY ANY OTHER FORM OF IDENTIFICATION FOR ELECTION PURPOSES
3 AS THAT TERM IS DEFINED IN SECTION 2 AND 1 OF THE FOLLOWING
4 DOCUMENTS THAT CONTAINS THE APPLICANT'S NAME AND CURRENT
5 RESIDENCE ADDRESS:

6 (A) A CURRENT UTILITY BILL.

7 (B) A CURRENT BANK STATEMENT.

8 (C) A CURRENT PAYCHECK, GOVERNMENT CHECK, OR OTHER
9 GOVERNMENT DOCUMENT.

10 (4) IMMEDIATELY AFTER APPROVING A VOTER REGISTRATION
11 APPLICATION, THE CITY OR TOWNSHIP CLERK SHALL PROVIDE TO THE
12 INDIVIDUAL REGISTERING TO VOTE A VOTER REGISTRATION RECEIPT THAT
13 IS IN A FORM AS APPROVED THE SECRETARY OF STATE. IF AN INDIVIDUAL
14 REGISTERS TO VOTE IN PERSON 14 DAYS OR LESS BEFORE AN ELECTION OR
15 REGISTERS TO VOTE ON ELECTION DAY, AND THAT APPLICANT USES FOR
16 PROOF OF RESIDENCY ANY OTHER FORM OF IDENTIFICATION FOR ELECTION
17 PURPOSES NOT DESCRIBED IN SUBSECTION (2), THE BALLOT OF THAT
18 ELECTOR MUST BE PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN
19 SECTION 727 AND MUST BE COUNTED AS ANY OTHER BALLOT IS COUNTED
20 UNLESS DETERMINED OTHERWISE BY A COURT OF LAW UNDER SECTION 747
21 OR 748 OR ANY OTHER APPLICABLE LAW.

22 (5) ~~(2)~~—Except as otherwise provided in sections 500a to
23 500e AND 509V, an application for registration must not be
24 executed at a place other than the office of the county,
25 township, or city clerk or a public place or places designated by
26 the clerk or deputy registrar for receiving registrations, but
27 the clerk or deputy registrar may receive an application wherever

1 he or she may be. If a county, township, or city clerk does not
2 regularly keep his or her office open daily during certain hours,
3 the clerk is not required to be at his or her office for the
4 purpose of receiving applications for registration on a
5 particular day nor during specific hours of a day, except as
6 provided in section 498. ~~Registrations taken after the time of~~
7 ~~closing registrations before an election need not be processed~~
8 ~~until the date immediately following that election. A~~
9 ~~registration must not be placed in a precinct registration file~~
10 ~~until the date immediately following that election. If an~~
11 ~~individual registers at a time that registrations are closed for~~
12 ~~an election, the individual must be given a notice, signed by the~~
13 ~~clerk, on a form developed by the secretary of state, informing~~
14 ~~him or her that he or she is not eligible to vote in the election~~
15 ~~and indicating the first date on which he or she is eligible to~~
16 ~~vote.~~ **IF AN INDIVIDUAL REGISTERS TO VOTE DURING THE 14 DAYS**
17 **BEFORE THE DAY OF AN ELECTION BY MAIL, ONLINE, OR BY AUTOMATIC**
18 **VOTER REGISTRATION, AS DESCRIBED IN SECTION 493A, THE INDIVIDUAL**
19 **MUST BE GIVEN A NOTICE ON A FORM DEVELOPED BY THE SECRETARY OF**
20 **STATE INFORMING THE INDIVIDUAL THAT HE OR SHE IS NOT ELIGIBLE TO**
21 **VOTE IN THE NEXT ELECTION UNLESS HE OR SHE APPLIES IN PERSON AT**
22 **HIS OR HER CITY OR TOWNSHIP CLERK'S OFFICE AS PROVIDED IN**
23 **SUBSECTION (2).** Except as provided in sections 500a to 500e, the
24 provisions of this section relating to registration apply.

25 Sec. 498. ~~(1) The governing body of a township or city may~~
26 ~~provide by resolution that in that township or city the clerk~~
27 ~~shall be at the clerk's office, or in some other convenient place~~

1 ~~designated by the clerk, during the hours designated by the~~
2 ~~governing body on the thirtieth day before an election or primary~~
3 ~~election in the township or city unless the thirtieth day falls~~
4 ~~on a Saturday, Sunday, or legal holiday, in which event~~
5 ~~registration must be accepted during the same hours on the~~
6 ~~following day.~~

7 (1) ~~(2)~~—In a township or city in which the clerk does not
8 maintain regular daily office hours, the township board or the
9 legislative body of the city may require that the clerk of the
10 township or city shall be at the clerk's office or other
11 designated place for the purpose of receiving applications for
12 registration on the days that the board or legislative body
13 designates. ~~, but not more than 5 days before the last day for~~
14 ~~registration.~~

15 (2) ~~(3)~~—The clerk of each township or city shall give public
16 notice of the days and hours that the clerk will be at the
17 clerk's office or other designated place for the purpose of
18 receiving registrations before an election or primary election by
19 publication of the notice in a newspaper published or of general
20 circulation in the township or city and, if considered advisable
21 by the township or city clerk, by posting written or printed
22 notices in at least 2 of the most conspicuous places in each
23 election precinct. The publication or posting must be made not
24 less than ~~7~~**30** days before ~~the last day for receiving~~
25 ~~registrations.~~ **ELECTION DAY.** The notice of registration must
26 include the offices to be filled that will appear on the ballot.
27 If the notice of registration is for an election that includes a

1 ballot proposal, a caption or brief description of the ballot
2 proposal along with the location where an elector can obtain the
3 full text of the ballot proposal must be stated in the notice.

4 (3) ~~(4)~~—A county clerk may enter into an agreement with the
5 clerk of 1 or more townships or cities in the county or the
6 clerks of 1 or more cities or townships in a county may enter
7 into an agreement to jointly publish the notice required in
8 subsection ~~(3)~~—(2). The notice must be published in a newspaper
9 of general circulation in the cities and townships listed in the
10 notice.

11 SEC. 499E. (1) THE CLERK OF A CITY OR TOWNSHIP SHALL BE
12 PRESENT OR HAVE AN ASSISTANT CLERK BE PRESENT AT THE CLERK'S
13 OFFICE AT ALL TIMES A POLLING PLACE IS OPEN ON ELECTION DAY TO
14 RECEIVE AND PROCESS VOTER REGISTRATION APPLICATIONS.

15 (2) IMMEDIATELY AFTER APPROVING A VOTER REGISTRATION
16 APPLICATION UNDER THIS SECTION, THE CLERK OR ASSISTANT CLERK
17 SHALL PREPARE A REGISTRATION CARD OR AN INSERT TO A REGISTRATION
18 LIST IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. IN ADDITION,
19 THE CLERK OR ASSISTANT CLERK SHALL PROVIDE TO THE INDIVIDUAL
20 REGISTERING TO VOTE A VOTER REGISTRATION RECEIPT THAT IS IN A
21 FORM AS APPROVED BY THE SECRETARY OF STATE.

22 (3) THE CLERK SHALL PREPARE AND SEND A VOTER IDENTIFICATION
23 CARD IN THE MANNER PRESCRIBED FOR CORRECTED VOTER IDENTIFICATION
24 CARDS IN SECTION 499 AS SOON AS PRACTICAL AFTER THE ELECTION.

25 Sec. 500d. An individual who has properly completed an
26 application for registration at an office of the secretary of
27 state or his or her agent is permitted to vote in all elections

1 ~~occurring not less than 30 days~~ after making the application if
2 the clerk determines the individual is qualified. If the clerk
3 determines the individual is not qualified, the clerk immediately
4 shall send a notice to the applicant at the address stated in the
5 application stating the determination and the reasons the
6 individual is not qualified. An individual is permitted to vote
7 if he or she presents at the polls a validated voter registration
8 application receipt and the clerk determines the individual is
9 qualified.

10 Sec. 509w. (1) The person processing an application
11 submitted in person at a department of state office, a designated
12 voter registration agency, or the office of a county clerk shall
13 do all of the following:

14 (a) Validate the application in the manner prescribed by the
15 secretary of state.

16 (b) Issue a receipt to the applicant verifying the
17 acceptance of the application.

18 (2) Except as otherwise provided in subsection (3), the
19 department of state office, the designated voter registration
20 agency, or the county clerk shall transmit the application not
21 later than 7 days after receipt of the application to the clerk
22 of the county, city, or township where the applicant resides.

23 (3) If an application under subsection (1) is made within 7
24 days before the close of **MAIL-IN** registration ~~for a federal~~
25 ~~election,~~ **AS PROVIDED IN SECTION 497**, the department of state
26 office, the designated voter registration agency, or the county
27 clerk shall transmit the application not later than 1 business

1 day to the clerk of the county, city, or township where the
2 applicant resides.

3 (4) If a completed application is transmitted by the
4 secretary of state or a designated voter registration agency to a
5 county clerk, the secretary of state, to the extent funds are
6 appropriated, shall compensate the county clerk for the cost of
7 forwarding the application to the proper city or township clerk
8 of the applicant's residence from funds appropriated to the
9 secretary of state for that purpose.

10 Sec. 509x. An application for registration is considered to
11 be received on or before the close of **MAIL-IN** registration ~~—AS~~
12 **PROVIDED IN SECTION 497** if 1 of the following requirements is
13 met:

14 (a) An application is received at a department of state
15 office, a designated voter registration agency, or the office of
16 a county, city, or township clerk on or before the close of **MAIL-**
17 **IN** registration.

18 (b) An application is received through the mail that is
19 postmarked on or before the close of **MAIL-IN** registration.

20 (c) An application is received through the mail on or before
21 the seventh day immediately following the close of **MAIL-IN**
22 registration, if the postmark is missing or is unclear and the
23 application, on its face, is dated by the applicant on or before
24 the close of **MAIL-IN** registration. The clerk shall consider an
25 application received ~~pursuant to~~ **UNDER** this subdivision as
26 received before the close of **MAIL-IN** registration.

27 Sec. 523a. (1) If an individual who has applied to register

1 to vote on or before ~~the close of registration~~ **ELECTION DAY**
2 appears at a polling place on election day and completes an
3 application under section 523 is not listed on the voter
4 registration list, the election inspector shall issue a ballot to
5 the individual as follows:

6 (a) For an individual who presents a receipt issued by a
7 department of state office, a designated voter registration
8 agency, or the elector's county, city, or township clerk's office
9 verifying the acceptance of a voter registration application,
10 ~~before the close of registration and completes a new voter~~
11 ~~registration application,~~ the election inspector shall allow the
12 individual to vote a ballot in the same manner as an elector
13 whose name is listed on the voter registration list.

14 (b) For an individual who does not present a receipt
15 verifying the acceptance of a voter registration application
16 under subdivision (a), the election inspector shall determine
17 whether the individual is in the appropriate polling place based
18 on residence information provided by the individual. The election
19 inspector shall review any documents or maps in the polling place
20 or communicate with the city or township clerk to verify the
21 appropriate polling place for the individual. The election
22 inspector shall direct an individual who is not in the
23 appropriate polling place to the appropriate polling place. If
24 the individual refuses to go to the appropriate polling place,
25 the election inspector shall issue the individual a provisional
26 ballot that is processed according to subsection (5).

27 (2) Except for an individual who produces a receipt under

1 subsection (1)(a), the election inspector shall require an
2 individual who is not listed on the voter registration list to
3 execute a sworn statement affirming that the individual submitted
4 a voter registration application **ON OR** before ~~the close of~~
5 ~~registration~~ **ELECTION DAY** and is eligible to vote in the
6 election. An individual who provides false information in a
7 signed sworn statement under this subsection is guilty of
8 perjury. An individual signing a sworn statement shall complete a
9 new voter registration application. The individual shall state
10 the approximate date and in what manner the registration
11 application was submitted:

12 (a) To a department of state office.

13 (b) To a designated voter registration agency.

14 (c) To the office of his or her county, city, or township
15 clerk.

16 (d) By a mailed application.

17 (3) The election inspector shall contact the city or
18 township clerk to verify whether the individual who signed the
19 sworn statement under subsection (2) is listed in the
20 registration records of the jurisdiction or whether there is any
21 information contrary to the content of the sworn statement.

22 (4) If the city or township clerk verifies the elector
23 information and finds no information contrary to the information
24 provided by the individual in the sworn statement and the
25 individual presents identification for election purposes that
26 contains a current residence address to establish his or her
27 identity and residence address, the individual is permitted to

1 vote a provisional ballot that is tabulated on election day in
2 the same manner as an elector whose name is listed on the voter
3 registration list, except that the election inspectors shall
4 process the ballot as a challenged ballot under sections 745 and
5 746.

6 (5) If the election inspector is not able to contact the
7 city or township clerk, the individual is not in the correct
8 precinct, or the individual is unable to present identification
9 for election purposes that contains a current residence address,
10 the individual must be issued a provisional ballot that is not
11 tabulated on election day but is secured for verification after
12 the election. A provisional ballot must also be issued under this
13 subsection to a voter who presents identification for election
14 purposes that does not bear the voter's current residence
15 address, if the voter also presents a document to establish the
16 voter's current residence address. The election inspector shall
17 accept a document containing the name and current residence
18 address of the voter as sufficient documentation to issue a
19 provisional ballot if it is 1 of the following documents:

- 20 (a) A current utility bill.
21 (b) A current bank statement.
22 (c) A current paycheck, government check, or other
23 government document.

24 (6) A provisional ballot must be placed in a provisional
25 ballot return envelope prescribed by the secretary of state and
26 delivered to the city or township clerk after the polls close in
27 a manner as prescribed by the secretary of state.

1 (7) For a provisional ballot voted under subsection (4), the
2 election inspector shall provide the voter with a notice that his
3 or her ballot has been tabulated. For a provisional ballot voted
4 under subsection (5), the election inspector shall provide the
5 voter with a notice that the voter's information will be verified
6 by the clerk of the jurisdiction within 6 days after the election
7 to determine whether the ballot will be tabulated and, if the
8 ballot is not tabulated, to determine the reason it was not
9 tabulated. A clerk of a jurisdiction shall provide a free access
10 system for the voter to determine whether the ballot was
11 tabulated. The free access system may include a telephone number
12 that does not require a toll charge, a toll-free telephone
13 number, an internet website, or a mailed notice.

14 (8) As used in this section and sections 813 and 829,
15 "provisional ballot" means a special ballot utilized for an
16 individual who is not listed on the voter registration list at
17 the polling place that is tabulated only after verification of
18 the individual's eligibility to vote.

19 Sec. 759. (1) At any time during the 75 days before a
20 primary or special primary, but not later than ~~2 p.m. of the~~
21 ~~Saturday immediately before the~~ **8 P.M. ON THE DAY OF A** primary or
22 special primary, an elector ~~who qualifies to vote as an absent~~
23 ~~voter, as defined in section 758,~~ may apply for an absent voter
24 ballot. The elector shall apply in person or by mail with the
25 clerk of the township, city, or village in which the elector is
26 registered. **IF THE APPLICATION IS BY MAIL, THE APPLICATION MUST**
27 **BE POSTMARKED NOT LATER THAN 10 DAYS BEFORE ELECTION DAY. AFTER**

1 THAT DEADLINE, THE ELECTOR MUST APPLY FOR AN ABSENT VOTER BALLOT
2 IN PERSON. An application received before a primary or special
3 primary may be for either that primary only, or for that primary
4 and the election that follows. AN INDIVIDUAL MAY SUBMIT A VOTER
5 REGISTRATION APPLICATION AND AN ABSENT VOTER BALLOT APPLICATION
6 AT THE SAME TIME IF APPLYING IN PERSON WITH THE CLERK OF THE CITY
7 OR TOWNSHIP IN WHICH THE INDIVIDUAL RESIDES. IMMEDIATELY AFTER
8 HIS OR HER VOTER REGISTRATION APPLICATION AND ABSENT VOTER BALLOT
9 APPLICATION ARE APPROVED BY THE CLERK, THE INDIVIDUAL MAY,
10 SUBJECT TO THE IDENTIFICATION REQUIREMENT IN SECTION 761(6), VOTE
11 AN ABSENT VOTER BALLOT AT THE CLERK'S OFFICE.

12 (2) Except as otherwise provided in subsection (1), at
13 ~~anytime~~ ANY TIME during the 75 days before an election, but not
14 later than ~~2 p.m. of the Saturday before the~~ 8 P.M. ON THE DAY OF
15 AN election, an elector ~~who qualifies to vote as an absent voter,~~
16 ~~as defined in section 758,~~ may apply for an absent voter ballot.
17 The elector shall apply in person or by mail with the clerk of
18 the township, city, or village in which the voter is registered.
19 IF THE APPLICATION IS BY MAIL, THE APPLICATION MUST BE POSTMARKED
20 NOT LATER THAN 10 DAYS BEFORE ELECTION DAY. AFTER THAT DEADLINE,
21 THE ELECTOR MUST APPLY FOR AN ABSENT VOTER BALLOT IN PERSON. AN
22 INDIVIDUAL MAY SUBMIT A VOTER REGISTRATION APPLICATION AND AN
23 ABSENT VOTER BALLOT APPLICATION AT THE SAME TIME IF APPLYING IN
24 PERSON WITH THE CLERK OF THE CITY OR TOWNSHIP IN WHICH THE
25 INDIVIDUAL RESIDES. IMMEDIATELY AFTER HIS OR HER VOTER
26 REGISTRATION APPLICATION AND ABSENT VOTER BALLOT APPLICATION ARE
27 APPROVED BY THE CLERK, THE INDIVIDUAL MAY, SUBJECT TO THE

1 IDENTIFICATION REQUIREMENT IN SECTION 761(6), VOTE AN ABSENT
2 VOTER BALLOT AT THE CLERK'S OFFICE.

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

5 (a) By a written request signed by the voter stating the
6 statutory grounds for making the application.

7 (b) On an absent voter ballot application form provided for
8 that purpose by the clerk of the city ~~, OR~~ township. ~~, or~~
9 village.

10 (c) On a federal postcard application.

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

25 (5) The clerk of a city ~~, OR~~ township ~~, or village~~ shall
26 have absent voter ballot application forms available in the
27 clerk's office at all times and shall furnish an absent voter

1 ballot application form to anyone upon a verbal or written
2 request. The absent voter ballot application ~~shall~~**MUST** be in
3 substantially the following form:

4 "Application for absent voter ballot for:

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

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

8 (Check applicable election or elections)

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

17 ~~_____ The statutory grounds on which I base my request are:~~

18 ~~_____ [] I expect to be absent from the community in which I am~~
19 ~~registered for the entire time the polls are open on election~~
20 ~~day.~~

21 ~~_____ [] I am physically unable to attend the polls without the~~
22 ~~assistance of another.~~

23 ~~_____ [] I cannot attend the polls because of the tenets of my~~
24 ~~religion.~~

25 ~~_____ [] I have been appointed an election precinct inspector in~~
26 ~~a precinct other than the precinct where I reside.~~

27 ~~_____ [] I am 60 years of age or older.~~

1 ~~_____ [] I cannot attend the polls because I am confined to jail~~
2 ~~awaiting arraignment or trial.~~

3 ~~_____ (Check applicable reason)~~

4 Send absent voter ballot to me at:

5
6 (Street No. or R.R.)

7
8 (Post Office) (State) (Zip Code)

9 My registered address
10 (Street No. or R.R.)

11
12 (Post Office) (State) (Zip Code)

13 Date.....

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

17
18 (Signature)

19 WARNING

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

23 A person making a false statement in this absent voter
24 ballot application is guilty of a misdemeanor. It is a violation
25 of Michigan election law for a person other than those listed in
26 the instructions to return, offer to return, agree to return, or
27 solicit to return your absent voter ballot application to the
28 clerk. An assistant authorized by the clerk who receives absent
29 voter ballot applications at a location other than the clerk's

1 office must have credentials signed by the clerk. Ask to see his
2 or her credentials before entrusting your application with a
3 person claiming to have the clerk's authorization to return your
4 application.

5 Certificate of Authorized Registered
6 Elector Returning Absent Voter
7 Ballot Application

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

17 _____
18 (Date) (Signature) "

19 (6) The following instructions for an applicant for an
20 absent voter ballot ~~shall~~**MUST** be included with each application
21 furnished an applicant:

22 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

23 Step 1. After completely filling out the application, sign

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

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

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

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

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

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

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

1 (8) A person who makes a false statement in an absent voter
2 ballot application is guilty of a misdemeanor. A person who
3 forges a signature on an absent voter ballot application is
4 guilty of a felony. A person who is not authorized in this act
5 and who both distributes absent voter ballot applications to
6 absent voters and returns those absent voter ballot applications
7 to a clerk or assistant of the clerk is guilty of a misdemeanor.

8 Sec. 761. (1) If the clerk of a city ~~,~~**OR** township ~~,~~~~or~~
9 ~~village~~ receives an application for an absent voter ballot from a
10 person registered to vote in that city ~~,~~**OR** township ~~,~~~~or~~ village
11 and if the signature on the application agrees with the signature
12 for the person contained in the qualified voter file or on the
13 registration card as required in subsection (2), the clerk
14 immediately upon receipt of the application or, if the
15 application is received before the printing of the absent voter
16 ballots, as soon as the ballots are received by the clerk, shall
17 forward by mail, postage prepaid, or shall deliver personally 1
18 of the ballots or set of ballots if there is more than 1 kind of
19 ballot to be voted to the applicant. Subject to the
20 identification requirement in subsection (6), absent voter
21 ballots may be delivered to an applicant in person at the office
22 of the clerk.

23 (2) The qualified voter file must be used to determine the
24 genuineness of a signature on an application for an absent voter
25 ballot. Signature comparisons must be made with the digitized
26 signature in the qualified voter file. If the qualified voter
27 file does not contain a digitized signature of an elector, or is

1 not accessible to the clerk, the city or township clerk shall
2 compare the signature appearing on the application for an absent
3 voter ballot to the signature contained on the master card.

4 (3) ~~Notwithstanding section 759, providing that no absent~~
5 ~~voter applications shall be received by the clerk after 2 p.m. on~~
6 ~~the Saturday before the election, and subject SUBJECT to the~~
7 identification requirement in subsection (6), a person qualified
8 to vote as an absent voter may apply in person at the clerk's
9 office before 4-8 p.m. on a ~~ELECTION~~ day ~~before the election~~
10 ~~except Sunday or a legal holiday~~ to vote as an absent voter. The
11 applicant shall receive his or her absent voter ballot and vote
12 the ballot in the clerk's office. All other absent voter ballots,
13 except ballots delivered pursuant to an emergency absent voter
14 ballot application under section 759b, must be mailed or
15 delivered to the registration address of the applicant unless the
16 application requests delivery to an address outside the city,
17 village, or township or to a hospital or similar institution, in
18 which case the absent voter ballots must be mailed or delivered
19 to the address given in the application. However, a clerk may
20 mail or deliver an absent voter ballot, upon request of the
21 absent voter, to a post office box if the post office box is
22 where the absent voter normally receives personal mail and the
23 absent voter does not receive mail at his or her registration
24 address.

25 (4) Absent voter ballots must be issued in the same order in
26 which applications are received by the clerk of a city, township,
27 or village, as nearly as may be, and each ballot issued must bear

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

9 TO BE COMPLETED
 10 BY THE CLERK

11 _____
 12 Name of Voter Street Address or R.R.
 13 _____
 14 City, Township or Village County
 15 Ward _____ Precinct _____ Date of Election _____

16 =====

17 TO BE COMPLETED BY THE ABSENT VOTER

18 I assert that I am a United States citizen and a qualified
 19 and registered elector of the city, township, or village named
 20 above. I am voting as an absent voter in conformity with state
 21 election law. Unless otherwise indicated below, I personally
 22 marked the ballot enclosed in this envelope without exhibiting it
 23 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,
 27 parcel post service, or other common carrier; by a member of my

1 immediate family; or by a person residing in my household.

2 DATE: _____ SIGN HERE: X _____
3 Signature of Absent Voter

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

7 =====

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

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

15 _____
16 Signature of Person Street Address City, Twp., or
17 Assisting Voter or R.R. Village
18 _____
19 Printed Name of Person Assisting Voter

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

22 =====

23 WARNING

24 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
25 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
26 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY

1 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
2 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
3 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
4 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
5 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
6 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
7 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
8 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
9 VOTER BALLOT IS GUILTY OF A FELONY.

10 (5) An absent voter who knowingly makes a false statement on
11 the absent voter ballot return envelope is guilty of a
12 misdemeanor. A person who assists an absent voter and who
13 knowingly makes a false statement on the absent voter ballot
14 return envelope is guilty of a felony.

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

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

12 **SEC. 761B. (1) BEGINNING JANUARY 1, 2019, THE CLERK OF EACH**
13 **CITY OR TOWNSHIP SHALL BE AVAILABLE IN HIS OR HER OFFICE TO ISSUE**
14 **AND RECEIVE ABSENT VOTER BALLOTS FOR ANY COMBINATION OF AT LEAST**
15 **8 HOURS ON THE SATURDAY OR SUNDAY IMMEDIATELY BEFORE ELECTION**
16 **DAY.**

17 **(2) AT LEAST 30 DAYS BEFORE THE DATE OF AN ELECTION, THE**
18 **CLERK OF EACH CITY OR TOWNSHIP SHALL POST THE HOURS THE CLERK'S**
19 **OFFICE WILL BE OPEN ON THE SATURDAY OR SUNDAY, OR BOTH,**
20 **IMMEDIATELY BEFORE THE ELECTION TO ISSUE AND RECEIVE ABSENT VOTER**
21 **BALLOTS.**

22 **(3) SUBJECT TO THE REQUIREMENTS FOR POLLING PLACES IN**
23 **SECTION 662, UPON THE APPROVAL BY RESOLUTION OF THE GOVERNING**
24 **BODY OF A CITY OR TOWNSHIP, THE CLERK OF THAT CITY OR TOWNSHIP**
25 **MAY SPECIFY ADDITIONAL LOCATIONS AND HOURS THAT THE CLERK WILL BE**
26 **AVAILABLE TO ISSUE AND RECEIVE ABSENT VOTER BALLOTS. THESE**
27 **ADDITIONAL LOCATIONS MUST ALLOW CHALLENGERS AS DESCRIBED IN**

1 SECTION 730.

2 (4) AT LEAST 30 DAYS BEFORE THE DATE OF AN ELECTION, THE
3 CLERK OF EACH CITY OR TOWNSHIP SHALL POST, IF APPLICABLE, THE
4 ADDITIONAL LOCATIONS AND HOURS THAT THE CLERK WILL BE AVAILABLE
5 TO ISSUE AND RECEIVE ABSENT VOTER BALLOTS AS PROVIDED UNDER
6 SUBSECTION (3).

7 Sec. 765. (1) A clerk who receives an absent voter ballot
8 return envelope containing the marked ballots of an absent voter
9 shall not open that envelope before delivering the envelope to
10 the board of election inspectors as provided in this section. The
11 city or township clerk shall safely keep in his or her office
12 until election day any absent voter ballot return envelopes
13 received by the clerk before election day containing the marked
14 ballots of an absent voter.

15 (2) Before the opening of the polls on election day or as
16 soon after the opening of the polls as possible, the clerk shall
17 deliver the absent voter ballot return envelopes to the
18 chairperson or other member of the board of election inspectors
19 in the absent voter's precinct, together with the signed absent
20 voter ballot applications received by the clerk from any voters
21 of that precinct and the clerk's list or record kept relative to
22 those absent voters. However, if higher numbered ballots are used
23 under section 717, the clerk shall retain the applications and
24 lists in his or her office and shall keep the applications and
25 lists open to public inspection at all reasonable hours. Absent
26 voter ballots must not be tabulated before the opening of the
27 polls on election day.

1 (3) The city or township clerk, or authorized designee of
2 the clerk, shall call for and receive absent voter ballots from
3 the post office at which the city or township clerk regularly
4 receives mail addressed to the city or township clerk on election
5 day. ~~in sufficient time to deliver any envelopes containing~~
6 ~~absent voter ballots~~ **ANY ENVELOPES CONTAINING ABSENT VOTER**
7 **BALLOTS THAT ARE RECEIVED FROM THE POST OFFICE OR FROM VOTERS WHO**
8 **VOTED BY ABSENTEE BALLOT IN PERSON IN THE CLERK'S OFFICE ON**
9 **ELECTION DAY MUST BE DELIVERED** to the board of election
10 inspectors before the close of the polls.

11 (4) If a marked absent voter ballot is received by the clerk
12 after the close of the polls, the clerk shall plainly mark the
13 envelope with the time and date of receipt and shall file the
14 envelope in his or her office. ~~Except as otherwise provided in~~
15 ~~section 759b, the clerk shall not deliver an absent voter ballot~~
16 ~~to a voter after the opening of the polls on election day.~~

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

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

16 Sec. 811. All election returns, including poll lists,
17 statements, tally sheets, absent voters' return envelopes bearing
18 the statement required by section 761, absent voters' records
19 required by section 760, and other returns made by the inspectors
20 of election of the several precincts ~~shall~~**MUST** be carefully
21 preserved and may be destroyed after the expiration of 2 years
22 following the primary or election at which the same were used.
23 All applications executed under section 523, **ALL VOTER**
24 **REGISTRATION APPLICATIONS EXECUTED BY APPLICANTS USING PROOF OF**
25 **RESIDENCY AS DESCRIBED IN SECTION 497(3)**, and all absent voters'
26 applications ~~shall~~**MUST** be carefully preserved and may be
27 destroyed after the expiration of 6 years following the primary

1 or election at which those applications were executed. All
2 ballots used at any primary or election may be destroyed after 30
3 days following the final determination of the board of canvassers
4 with respect to the primary or election unless a petition for
5 recount has been filed and not completed or unless their
6 destruction is stayed by an order of a court.

7 Sec. 813. (1) Within 6 days after an election, for each
8 provisional ballot that was placed in a provisional ballot return
9 envelope, the city or township clerk shall determine whether the
10 individual voting the provisional ballot was eligible to vote a
11 ballot and whether to tabulate the provisional ballot. In making
12 this determination, the city or township clerk shall not open the
13 provisional ballot return envelope. A provisional ballot must
14 only be tabulated if a valid voter registration record for the
15 elector is located or if the identity and residence of the
16 elector is established using identification for election
17 purposes, along with a current utility bill, bank statement,
18 paycheck, government check, or other government document to
19 establish the voter's current residence address if the
20 identification for election purposes used by the elector does not
21 contain the voter's current residence address. Before the
22 provisional ballot is tabulated, election officials shall process
23 the ballot as a challenged ballot under sections 745 and 746.

24 (2) Within 7 days after an election, but sooner if
25 practicable, the city or township clerk shall transmit the
26 results of provisional ballots tabulated after the election to
27 the board of county canvassers. The results must be transmitted

1 in a form prescribed by the secretary of state.

2 (3) Within 7 days after an election, the city or township
3 clerk shall transmit to the county clerk a provisional ballot
4 report for each precinct in the jurisdiction. The report must
5 include for each precinct the number of provisional ballots
6 issued, the number of provisional ballots tabulated on election
7 day, the number of provisional ballots forwarded to the clerk to
8 be determined after the election, the number of provisional
9 ballots tabulated by the clerk after election day, and any
10 additional information concerning provisional ballots as required
11 by the secretary of state.

12 (4) Within 7 days after an election, the city or township
13 clerk shall transmit to the county clerk an affidavit report that
14 includes the number of affidavits signed by voters under section
15 523(2). The affidavit report must be transmitted to the county
16 clerk in a form prescribed by the secretary of state.

17 **(5) WITHIN 7 DAYS AFTER AN ELECTION, THE CITY OR TOWNSHIP**
18 **CLERK SHALL TRANSMIT TO THE COUNTY CLERK A VOTER REGISTRATION**
19 **APPLICATION REPORT THAT INCLUDES THE NUMBER OF VOTER REGISTRATION**
20 **APPLICATIONS EXECUTED BY APPLICANTS USING PROOF OF RESIDENCY AS**
21 **DESCRIBED IN SECTION 497(3). THE REPORT MUST BE TRANSMITTED TO**
22 **THE COUNTY CLERK IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.**

23 Sec. 829. (1) The board of county canvassers shall include
24 the results of the tabulated provisional ballots in the canvass
25 of the election following procedures prescribed by the secretary
26 of state designed to maintain the secrecy of the ballot.

27 (2) Within 14 days after a primary or election, the county

1 clerk shall transmit a county provisional ballot report to the
2 secretary of state. The county provisional ballot report ~~shall~~
3 **MUST** be in a manner prescribed by the secretary of state. After
4 the secretary of state receives a county provisional ballot
5 report, the county provisional ballot report ~~shall~~**MUST** be
6 immediately available for public inspection.

7 (3) Within 14 days after an election, the county clerk shall
8 transmit a county affidavit report to the secretary of state. The
9 county affidavit report ~~shall~~**MUST** include the number of
10 affidavits signed by voters under section 523(2). The county
11 affidavit report ~~shall~~**MUST** be transmitted in a form prescribed
12 by the secretary of state. After the secretary of state receives
13 the county affidavit report from the county clerk, the county
14 affidavit report ~~shall~~**MUST** immediately be available for public
15 inspection.

16 (4) **WITHIN 14 DAYS AFTER AN ELECTION, THE COUNTY CLERK SHALL**
17 **TRANSMIT A COUNTY VOTER REGISTRATION APPLICATION REPORT TO THE**
18 **SECRETARY OF STATE. THE COUNTY VOTER REGISTRATION APPLICATION**
19 **REPORT MUST INCLUDE THE NUMBER OF VOTER REGISTRATION APPLICATIONS**
20 **EXECUTED BY APPLICANTS USING PROOF OF RESIDENCY AS DESCRIBED IN**
21 **SECTION 497(3). THE COUNTY VOTER REGISTRATION APPLICATION REPORT**
22 **MUST BE TRANSMITTED IN A FORM PRESCRIBED BY THE SECRETARY OF**
23 **STATE. AFTER THE SECRETARY OF STATE RECEIVES THE COUNTY VOTER**
24 **REGISTRATION APPLICATION REPORT FROM THE COUNTY CLERK, THE REPORT**
25 **MUST IMMEDIATELY BE AVAILABLE FOR PUBLIC INSPECTION.**

26 Enacting section 1. Sections 524 and 758 of the Michigan
27 election law, 1954 PA 116, MCL 168.524 and 168.758, are repealed.