

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 810**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 4, 381, 523, 642, 642a, 699, 759, 759a, 761,
813, and 829 (MCL 168.4, 168.381, 168.523, 168.642, 168.642a,
168.699, 168.759, 168.759a, 168.761, 168.813, and 168.829),
section 4 as amended by 2010 PA 181, section 381 as amended by
2012 PA 276, sections 523, 699, and 761 as amended by 2005 PA 71,
sections 642 and 642a as amended by 2011 PA 233, section 759 as
amended by 1995 PA 261, section 759a as amended by 2012 PA 279,
and sections 813 and 829 as added by 2004 PA 92, and by adding
sections 38 and 497c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. As used in this act:

1 (a) "School board" means the governing body of a school
2 district, including the board of trustees of a community college.

3 (b) "School board member" means an individual holding the
4 office of school board member under the revised school code, 1976
5 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees
6 member under the community college act of 1966, 1966 PA 331, MCL
7 389.1 to 389.195. School board member includes a school board
8 member of an intermediate school district if that intermediate
9 school district has adopted sections 615 to 617 of the revised
10 school code, 1976 PA 451, MCL 380.615 to 380.617.

11 (c) "School district" means a school district, a local act
12 school district, or an intermediate school district, as those
13 terms are defined in the revised school code, 1976 PA 451, MCL
14 380.1 to 380.1852, or a community college district under the
15 community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

16 (d) "School district election coordinating committee" means
17 1 of the following:

18 (i) For a school district whose entire territory lies within
19 a single city or township, a committee composed of the secretary
20 of the school board or his or her designee, the city or township
21 election commission, and the school district election
22 coordinator.

23 (ii) For a school district that has territory in more than 1
24 city or township, a committee composed of the secretary of the
25 school board or his or her designee, the school district election
26 coordinator, and the clerk of each city or township in which
27 school district territory is located.

(e) "School district election coordinator" means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, the city or township clerk.

(ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.

~~(f) "September election" means the election held on the first Tuesday after the second Monday in September in an odd year for the election of village offices.~~

(F) ~~(g)~~ "Special election" means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.

(G) ~~(h)~~ "Special primary" means a primary called by competent authority for the nomination of candidates to be voted for at a special election.

(H) ~~(i)~~ "Uniform voting system" means the voting system that is used at all elections in every election precinct throughout the state.

(I) ~~(j)~~ "Village" is defined in section 9.

SEC. 38. (1) THE SECRETARY OF STATE SHALL DEVELOP A POSTER THAT EXPLAINS BALLOT COACHING AND THAT INDICATES THAT BALLOT COACHING IS PROHIBITED.

(2) THE SECRETARY OF STATE SHALL PROVIDE TO EACH RESIDENTIAL CARE FACILITY IN THIS STATE AT LEAST 1 POSTER AS DESCRIBED IN SUBSECTION (1).

(3) FOR THE PERIOD BEGINNING 45 DAYS BEFORE EACH ELECTION

1 AND CONTINUING THROUGH ELECTION DAY, THE OWNER, OPERATOR, OR
2 FACILITY DIRECTOR OF A RESIDENTIAL CARE FACILITY SHALL DISPLAY
3 THE POSTER PROVIDED BY THE SECRETARY OF STATE IN A PUBLIC AREA IN
4 THE RESIDENTIAL CARE FACILITY.

5 (4) AS USED IN THIS SECTION:

6 (A) "HOME FOR THE AGED" MEANS THAT TERM AS DEFINED IN
7 SECTION 20106 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
8 333.20106.

9 (B) "NURSING HOME" MEANS THAT TERM AS DEFINED IN SECTION
10 20109 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20109.

11 (C) "RESIDENTIAL CARE FACILITY" MEANS BOTH OF THE FOLLOWING:

12 (i) HOME FOR THE AGED.

13 (ii) NURSING HOME.

14 Sec. 381. (1) Except as provided in this section and
15 sections 383, 641, 642, **642A**, and 644g, the qualifications,
16 nomination, election, appointment, term of office, and removal
17 from office of a village officer shall be as determined by the
18 charter provisions governing the village.

19 (2) If the membership of the village council of a village
20 governed by the general law village act, 1895 PA 3, MCL 61.1 to
21 74.25, is reduced to less than a quorum of 4 and a special
22 election for the purpose of filling all vacancies in the office
23 of trustee is called under section 13 of chapter II of the
24 general law village act, 1895 PA 3, MCL 62.13, temporary
25 appointments of trustees shall be made as provided in this
26 subsection. The board of county election commissioners of the
27 county in which the largest portion of the population of the

1 village is situated shall make temporary appointment of the
2 number of trustees required to constitute a quorum for the
3 transaction of business by the village council. A trustee
4 appointed under this subsection shall hold the office only until
5 the trustee's successor is elected and qualified. A trustee who
6 is temporarily appointed under this subsection shall not vote on
7 the appointment of himself or herself to an elective or
8 appointive village office.

9 (3) Notwithstanding another provision of law or charter to
10 the contrary, an appointment to an elective or appointive village
11 office made by a quorum constituted by temporary appointments
12 under this subsection expires upon the election and qualification
13 of trustees under the special election called to fill the
14 vacancies in the office of trustee.

15 (4) Filing for a village office shall be with the township
16 clerk if the township is conducting the election or if the
17 village is located in more than 1 township with the township in
18 which the largest number of the registered electors of the
19 village reside. Until December 31, 2013, ~~and except as provided~~
20 ~~in subsection (5),~~ nominating petitions for village offices shall
21 be filed with the appropriate township clerk by 4 p.m. on the
22 twelfth Tuesday before the general November election. Beginning
23 January 1, 2014, ~~and except as otherwise provided in subsection~~
24 ~~(5),~~ nominating petitions for village offices shall be filed with
25 the appropriate township clerk by 4 p.m. on the fifteenth Tuesday
26 before the general November election. After a nominating petition
27 is filed for a candidate for a village office, the candidate is

1 not permitted to withdraw unless a written withdrawal notice,
2 signed by the candidate, is filed with the appropriate township
3 clerk not later than 4 p.m. of the third day after the last day
4 for filing the nominating petition.

5 ~~—— (5) Until December 31, 2013, if a village council adopts a~~
6 ~~resolution in compliance with section 642(7) to hold its regular~~
7 ~~election at the September election, the nominating petitions for~~
8 ~~village offices to be filled at the September election shall be~~
9 ~~filed with the village clerk by 4 p.m. on the twelfth Tuesday~~
10 ~~before the September election. Beginning January 1, 2014, if a~~
11 ~~village adopts a resolution in compliance with section 642(7) to~~
12 ~~hold its regular election at the September election, the~~
13 ~~nominating petitions for village offices to be filled at the~~
14 ~~September election shall be filed with the village clerk by 4~~
15 ~~p.m. on the fifteenth Tuesday before the September election.~~
16 ~~After a nominating petition is filed for a candidate for a~~
17 ~~village office, the candidate is not permitted to withdraw unless~~
18 ~~a written withdrawal notice, signed by the candidate, is filed~~
19 ~~with the village clerk not later than 4 p.m. of the third day~~
20 ~~after the last day for filing the nominating petition.~~

21 SEC. 497C. (1) BEGINNING ON THE EFFECTIVE DATE OF THE
22 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON WHO APPLIES IN
23 PERSON TO REGISTER TO VOTE AT A DEPARTMENT OF STATE OFFICE, A
24 DESIGNATED VOTER REGISTRATION AGENCY, THE OFFICE OF A COUNTY
25 CLERK, OR THE OFFICE OF THE CLERK OF THE CITY OR TOWNSHIP IN
26 WHICH THE APPLICANT RESIDES SHALL IDENTIFY HIMSELF OR HERSELF BY
27 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT

1 PERSON UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR
 2 CHAUFFEUR'S LICENSE ISSUED TO THAT PERSON UNDER THE MICHIGAN
 3 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER
 4 GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD.

5 (2) IF A PERSON WHO APPLIES IN PERSON TO REGISTER TO VOTE AS
 6 PROVIDED IN SUBSECTION (1) DOES NOT HAVE AN OFFICIAL STATE
 7 IDENTIFICATION CARD, AN OPERATOR'S OR CHAUFFEUR'S LICENSE, OR
 8 OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD AS
 9 REQUIRED UNDER SUBSECTION (1), THE PERSON MAY SIGN AN AFFIDAVIT
 10 TO THAT EFFECT AND BE ALLOWED TO REGISTER TO VOTE.

11 Sec. 523. (1) At each election, before being given a ballot,
 12 each registered elector offering to vote shall identify himself
 13 or herself by presenting an official state identification card
 14 issued to that individual ~~pursuant to Act No. 222 of the Public~~
 15 ~~Acts of 1972, being sections 28.291 to 28.295 of the Michigan~~
 16 ~~Compiled Laws, UNDER 1972 PA 222, MCL 28.291 TO 28.300, an~~
 17 operator's or chauffeur's license issued to that individual
 18 ~~pursuant to UNDER the Michigan vehicle code, Act No. 300 of the~~
 19 ~~Public Acts of 1949, being sections 257.1 to 257.923 of the~~
 20 ~~Michigan Compiled Laws, 1949 PA 300, MCL 257.1 TO 257.923, or~~
 21 other generally recognized picture identification card and by
 22 executing an application, ~~showing his or her signature or mark~~
 23 ~~and address of residence~~ ON A FORM PRESCRIBED BY THE SECRETARY OF
 24 STATE, in the presence of an election official ~~—WHICH INCLUDES~~
 25 ALL OF THE FOLLOWING:

26 (A) THE NAME OF THE ELECTOR.

27 (B) THE ELECTOR'S ADDRESS OF RESIDENCE.

1 (C) THE ELECTOR'S DATE OF BIRTH.

2 (D) AN AFFIRMATIVE STATEMENT BY THE ELECTOR THAT IS INCLUDED
3 IN THE SIGNATURE STATEMENT INDICATING THAT HE OR SHE IS A CITIZEN
4 OF THE UNITED STATES.

5 (E) THE ELECTOR'S SIGNATURE OR MARK.

6 (2) If an elector's signature contained in the qualified
7 voter file is available in the polling place, the election
8 official shall compare the signature upon the application with
9 the digitized signature provided by the qualified voter file. If
10 an elector's signature is not contained in the qualified voter
11 file, the election official shall process the application in the
12 same manner as applications are processed when a voter
13 registration list is used in the polling place. If voter
14 registration lists are used in the precinct, the election
15 inspector shall determine if the name on the application to vote
16 appears on the voter registration list. If the name appears on
17 the voter registration list, the elector shall provide further
18 identification ~~by giving his or her date of birth or other~~
19 ~~information stated upon the voter registration list. In precincts~~
20 ~~using voter registration lists, the date of birth may be required~~
21 ~~to be placed on the application to vote. If the signature or an~~
22 ~~item of information does not correspond, the vote of the person~~
23 ~~shall be challenged, and the same procedure shall be followed as~~
24 ~~provided in this act for the challenging of an elector. If the~~
25 ~~person offering to vote has signed the registration card or~~
26 ~~application by making a mark, the person shall identify himself~~
27 ~~or herself by giving his or her date of birth, which shall be~~

1 ~~compared with the date of birth stated upon the registration card~~
2 ~~or voter registration list, or shall give other identification as~~
3 ~~may be referred to upon the registration card or voter~~
4 ~~registration list.~~ If the elector does not have an official state
5 identification card, operator's or chauffeur's license, ~~as~~
6 ~~required in this subsection,~~ or other generally recognized
7 picture identification card **AS REQUIRED UNDER THIS SUBSECTION,**
8 the individual shall sign an affidavit to that effect before an
9 election inspector and be allowed to vote as otherwise provided
10 in this act. However, an elector being allowed to vote without
11 the identification required under this subsection is subject to
12 challenge as provided in section 727.

13 (3) ~~(2)~~ If, upon a comparison of the signature or other
14 identification as required in ~~subsection (1),~~ **THIS SECTION,** it is
15 found that the applicant is entitled to vote, the election
16 officer having charge of the registration list shall approve the
17 application and write his or her initials on the application,
18 after which the number on the ballot issued shall be noted on the
19 application. The application shall serve as 1 of the 2 poll lists
20 required to be kept as a record of a person who has voted. The
21 application shall be filed with the township, city, or village
22 clerk. If voter registration cards are used in the precinct, the
23 date of the election shall be noted by 1 of the election
24 officials upon the precinct registration card of each elector
25 voting at an election. If voter registration lists are used in
26 the precinct, the election official shall clearly indicate upon
27 the list each elector voting at that election. The clerk of a

1 city, village, or township shall maintain a record of voting
2 participation for each registered elector.

3 Sec. 642. (1) Except as otherwise provided in this section
4 and section 642a, on the effective date of this act, a city shall
5 hold its regular election or regular primary election as follows:

6 (a) A city shall hold its regular election for a city office
7 at the odd year general election.

8 (b) A city shall hold its regular election primary at the
9 odd year primary election.

10 (c) A city that holds its regular election for a city office
11 annually or in the even year on the November regular election
12 date shall continue holding elections on that schedule.

13 (d) A city that holds its regular election primary for a
14 city office annually or in the even year on the August regular
15 primary election date shall continue holding primary elections on
16 that schedule.

17 (2) If, on September 1, 2004, a city holds its regular
18 election at other than a regular November election date, the city
19 council may choose to hold the regular election on the May
20 regular election date by adopting a resolution in compliance with
21 this section. Except as provided in section 642a, if a city
22 council adopts the resolution in compliance with this section to
23 hold its regular election on the May regular election date, after
24 December 31, 2004, the city's regular election is on the May
25 regular election date. If a city's regular election is held on
26 the May regular election date, the city's regular election
27 primary shall be held on the February regular election date

1 immediately before its regular election.

2 (3) If, on September 1, 2004, a city holds its regular
3 election annually or in the even year on the November regular
4 election date, the city council may choose to hold the regular
5 election at the odd year general election by adopting a
6 resolution in compliance with this section. Except as provided in
7 section 642a, if a city council adopts the resolution in
8 compliance with this section to hold its regular election at the
9 odd year general election, after December 31, 2004, the city's
10 regular election is at the odd year election. If a city's regular
11 election is held at the odd year general election, the city's
12 regular election primary shall be held at the odd year primary
13 election.

14 (4) If, on September 1, 2004, a city holds its regular
15 election annually on the November regular election date, the city
16 council may choose to hold the regular election at the even year
17 general election by adopting a resolution in compliance with this
18 section. Except as provided in section 642a, if a city council
19 adopts the resolution in compliance with this section to hold its
20 regular election at the even year general election, after
21 December 31, 2004, the city's regular election is at the even
22 year election. If a city's regular election is held at the even
23 year general election, the city's regular election primary shall
24 be held at the even year primary election.

25 ~~(5) If, on September 1, 2004, a city holds its regular~~
26 ~~election primary at the September primary election, the city~~
27 ~~council may choose to continue holding its regular election~~

~~primary at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a(2), if a city council adopts the resolution in compliance with this section to hold its regular election primary at the September primary election, after December 31, 2004, the city's regular election primary is at the September primary election.~~

(5) ~~(6)~~ Except as otherwise provided in ~~this section and~~ section 642a, on September 1, 2004, a village shall hold its regular election as follows:

(a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.

(b) A village shall not hold a regular primary election.

~~—— (7) A village council may make a 1 time choice to hold the regular election at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a village council adopts the resolution in compliance with this section to hold its regular election at the September primary election, after December 31, 2004, the village's regular election is at the September primary election and the village clerk shall conduct the election. The resolution may provide for the terms of office and for staggered terms. If a village's regular or special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction~~

~~with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's regular or special election. The township shall make voting equipment available to a village if the village conducts an election. If the village is located in more than 1 township, the township with the largest number of village electors shall furnish the voting equipment.~~

(6) ~~(8)~~ A resolution permitted under this section or section 642a is valid only if a city council ~~or village council~~ adopts the resolution in compliance with all of the following:

(a) The resolution is adopted before 1 of the following:

(i) If the resolution is permitted under subsection (2), (3), ~~OR (4), (5), or (7),~~ January 1, 2005.

(ii) If the resolution is permitted under section 642a(1), ~~or~~ (2), **OR (4)**, January 1 of the year in which the change in the date of the election takes effect.

(b) Before adopting the resolution, the council holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.

(c) The council gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion.

(d) The council votes on the resolution and, on a record roll call vote, a majority of the council's board members, elected or appointed, and serving, adopt the resolution.

(e) The council files the resolution with the secretary of

1 state.

2 Sec. 642a. (1) After December 31, 2004, a city council that
3 adopted a resolution so that its regular election is held on the
4 May regular election date may change its regular election to the
5 odd year general election by adopting a resolution in compliance
6 with section 642. If a city council adopts the resolution in
7 compliance with section 642 to hold its regular election at the
8 odd year general election, after December 31 of the year in which
9 the resolution is adopted, the city's regular election is at the
10 odd year general election.

11 (2) After December 31, 2004, a city council that holds its
12 regular election for city offices annually or in the even year on
13 the November regular election date may change its regular
14 election schedule to the odd year general election and the odd
15 year primary election by adopting a resolution in compliance with
16 section 642. If a city council adopts the resolution in
17 compliance with section 642, the city's regular election is at
18 the odd year general election and its primary is at the odd year
19 primary election.

20 (3) After December 31, 2010, a city that adopted a
21 resolution so that its regular election primary is held at the
22 September election shall hold its regular election primary at the
23 odd year primary election.

24 ~~—— (4) After December 31, 2004, a village council that adopted~~
25 ~~a resolution so that its regular election is held on the~~
26 ~~September election date may change its regular election to the~~
27 ~~November regular election date by adopting a resolution in~~

~~1 compliance with section 642. If a village council adopts the~~
~~2 resolution in compliance with section 642 to hold its regular~~
~~3 election at the November regular election date, after December 31~~
~~4 of the year in which the resolution is adopted, the village's~~
~~5 regular election is at the November regular election date.~~

6 (4) AFTER DECEMBER 31, 2011, A CITY THAT HOLDS ITS REGULAR
 7 ELECTION FOR CITY OFFICES ANNUALLY OR IN THE ODD YEAR ON THE
 8 NOVEMBER REGULAR ELECTION DATE MAY CHANGE ITS REGULAR ELECTION
 9 SCHEDULE TO THE EVEN YEAR GENERAL ELECTION AND THE EVEN YEAR
 10 PRIMARY ELECTION BY ADOPTING A RESOLUTION IN COMPLIANCE WITH
 11 SECTION 642. IF A CITY COUNCIL ADOPTS THE RESOLUTION IN
 12 COMPLIANCE WITH SECTION 642, AFTER DECEMBER 31 OF THE YEAR IN
 13 WHICH THE RESOLUTION IS ADOPTED, THE CITY'S REGULAR ELECTION IS
 14 AT THE EVEN YEAR GENERAL ELECTION AND ITS PRIMARY IS AT THE EVEN
 15 YEAR PRIMARY ELECTION.

16 (5) AFTER DECEMBER 31, 2012, A VILLAGE THAT ADOPTED A
 17 RESOLUTION SO THAT ITS REGULAR ELECTION IS HELD AT THE SEPTEMBER
 18 ELECTION SHALL HOLD ITS REGULAR ELECTION AT THE GENERAL NOVEMBER
 19 ELECTION.

20 Sec. 699. At any regular election, the names of the several
 21 nonpartisan offices to be voted for shall be placed on a separate
 22 portion of the ballot containing no party designation in the
 23 following order: justices of the supreme court, judges of the
 24 court of appeals, judges of the circuit court, judges of the
 25 probate court, judges of the district court, **COMMUNITY COLLEGE**
 26 **BOARD OF TRUSTEES MEMBER, INTERMEDIATE SCHOOL DISTRICT BOARD**
 27 **MEMBER,** city officers, the following village officers in

Senate Bill No. 810 (H-3) as amended December 14, 2012

1 substantially the following order in the year in which elections
 2 for the offices are held: president, clerk, treasurer, and
 3 trustees, and in a year in which an election for the office is
 4 held, local school district board member[, METROPOLITAN DISTRICT
 OFFICER,] ~~, community college~~
 5 ~~board of trustees member, intermediate school district board~~
 6 ~~member,~~ and district library board member.

7 Sec. 759. (1) At any time during the 75 days before a
 8 primary or special primary, but not later than 2 p.m. of the
 9 Saturday immediately before the primary or special primary, an
 10 elector who qualifies to vote as an absent voter, as defined in
 11 section 758, may apply for an absent voter ballot. The elector
 12 shall apply in person or by mail with the clerk of the township,
 13 city, or village in which the elector is registered. An
 14 application received before a primary or special primary may be
 15 for either that primary only, or for that primary and the
 16 election that follows.

17 (2) Except as otherwise provided in subsection (1), at
 18 anytime during the 75 days before an election, but not later than
 19 2 p.m. of the Saturday before the election, an elector who
 20 qualifies to vote as an absent voter, as defined in section 758,
 21 may apply for an absent voter ballot. The elector shall apply in
 22 person or by mail with the clerk of the township, city, or
 23 village in which the voter is registered.

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

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

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

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application. A~~ registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of ~~the~~ **A** city, township, or village shall have absent voter ballot application forms available in the **CLERK'S** office ~~of the clerk~~ at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

[] The primary or special primary election to be held on

....., 19.... (DATE) .

1 [] The election to be held on, ~~19....~~ _____
 2 **(DATE)** .

3 (Check applicable election or elections)

4 I,, a **UNITED STATES**
 5 **CITIZEN AND A** qualified and registered elector of the
 6 precinct of the township of or village
 7 of or of the ward of the city of
 8 , in the county of
 9 and state of Michigan, apply
 10 for an official ballot, or ballots, to be voted by me at the
 11 election or elections as requested in this application.

12 The statutory grounds on which I base my request are:

13 [] I expect to be absent from the community in which I am
 14 registered for the entire time the polls are open on election
 15 day.

16 [] I am physically unable to attend the polls without the
 17 assistance of another.

18 [] I cannot attend the polls because of the tenets of my
 19 religion.

20 [] I have been appointed an election precinct inspector in
 21 a precinct other than the precinct where I reside.

22 [] I am 60 years of age or older.

23 [] I cannot attend the polls because I am confined to jail
 24 awaiting arraignment or trial.

25 (Check applicable reason)

26 Send absent voter ballot to me at:

1
 2 (Street No. or R.R.)
 3
 4 (Post Office) (State) (ZIP CODE)
 5 My registered address
 6 (Street No. or R.R.)
 7
 8 (Post Office) (State) (ZIP CODE)
 9 Date.....
 10 I ~~declare~~**CERTIFY** that **I AM A UNITED STATES CITIZEN AND THAT**
 11 the statements in this absent voter ballot application
 12 are true.

13
 14 (Signature)

15 WARNING

16 **YOU MUST BE A UNITED STATES CITIZEN TO VOTE. IF YOU ARE NOT**
 17 **A UNITED STATES CITIZEN, YOU WILL NOT BE ISSUED AN ABSENT VOTER**
 18 **BALLOT.**

19 A person making a false statement in this absent voter
 20 ballot application is guilty of a misdemeanor. It is a violation
 21 of Michigan election law for a person other than those listed in
 22 the instructions to return, offer to return, agree to return, or
 23 solicit to return your absent voter ballot application to the
 24 clerk. An assistant authorized by the clerk who receives absent
 25 voter ballot applications at a location other than the **CLERK'S**
 26 office ~~of the clerk~~ must have credentials signed by the clerk.
 27 Ask to see his or her credentials before entrusting your
 28 application with a person claiming to have the clerk's
 29 authorization to return your application.

13 _____
14 (Date) (Signature) "

18 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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23         Step 2. Deliver the application by 1 of the following
24 methods:
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1 (a) Place the application in an envelope addressed to the
2 appropriate clerk and place the necessary postage upon the return
3 envelope and deposit it in the United States mail or with another
4 public postal service, express mail service, parcel post service,
5 or common carrier.

6 (b) Deliver the application personally to the **CLERK'S**
7 office, ~~of the clerk,~~ to the clerk, or to an authorized assistant
8 of the clerk.

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

14 (d) ~~In the event~~ **IF** an applicant cannot return the
15 application in any of the above methods, the applicant may select
16 any registered elector to return the application. The person
17 returning the application must sign and return the certificate at
18 the bottom of the application.

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

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

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

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

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

23 (3) A spouse or dependent of an overseas voter who is a
24 citizen of the United States, is accompanying that overseas
25 voter, and is not a qualified and registered elector anywhere
26 else in the United States, may apply for an absent voter ballot
27 even though the spouse or dependent is not a qualified elector of

1 a city or township of this state.

2 (4) An absent uniformed services voter or an overseas voter,
3 whether or not registered to vote, may apply for an absent voter
4 ballot. Upon receipt of an application for an absent voter ballot
5 under this section that complies with this act, a county, city,
6 village, or township clerk shall forward to the applicant the
7 absent voter ballots requested, the forms necessary for
8 registration, and instructions for completing the forms. If the
9 ballots are not yet available at the time of receipt of the
10 application, the clerk shall immediately forward to the applicant
11 the registration forms and instructions, and forward the ballots
12 as soon as they are available. If a federal postcard application
13 or an application from the official United States department of
14 defense website is filed, the clerk shall accept the federal
15 postcard application or the application from the official United
16 States department of defense website as the registration
17 application and shall not send any additional registration forms
18 to the applicant. If the ballots and registration forms are
19 received before the close of the polls on election day and if the
20 registration complies with the requirements of this act, the
21 absent voter ballots shall be delivered to the proper election
22 board to be tabulated. If the registration does not comply with
23 the requirements of this act, the clerk shall retain the absent
24 voter ballots until the expiration of the time that the voted
25 ballots must be kept and shall then destroy the ballots without
26 opening the envelope. The clerk may retain registration forms
27 completed under this section in a separate file. The address in

1 this state shown on a registration form is the residence of the
2 registrant.

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

8 (6) Upon the request of an absent uniformed services voter
9 or overseas voter, the clerk of a county, city, township, or
10 village shall electronically transmit an absent voter ballot to
11 the voter. The voter shall print the absent voter ballot and
12 return the voted ballot by mail to the appropriate clerk.

13 (7) The secretary of state shall prescribe electronic absent
14 voter ballot formats and electronic absent voter ballot
15 transmission methods. Each county, city, township, or village
16 clerk shall employ the prescribed electronic ballot formats to
17 fulfill an absent voter ballot request received from an absent
18 uniformed services voter or overseas voter who wishes to receive
19 his or her absent voter ballot through an electronic
20 transmission. The secretary of state shall establish procedures
21 to implement the requirements in this section and for the
22 processing of a marked absent voter ballot returned by an absent
23 uniformed services voter or overseas voter who obtained his or
24 her absent voter ballot through an electronic transmission.

25 (8) The secretary of state shall modify the printed
26 statement provided under section 761(4) and the absent voter
27 ballot instructions provided under section 764a as appropriate to

1 accommodate the procedures developed for electronically
2 transmitting an absent voter ballot to an absent uniformed
3 services voter or overseas voter. A statement shall be included
4 in the certificate signed by the absent voter who obtained his or
5 her absent voter ballot through an electronic transmission that
6 the secrecy of the absent voter ballot may be compromised during
7 the duplication process. The absent voter ballot instructions
8 provided to an absent uniformed services voter or overseas voter
9 shall include the proper procedures for returning the absent
10 voter ballot to the appropriate clerk.

11 (9) The size of a precinct shall not be determined by
12 registration forms completed under this section.

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

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

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

15 (12) Under the uniformed and overseas citizens absentee
16 voting act, the state director of elections shall approve a
17 ballot form and registration procedures for absent uniformed
18 services voters and overseas voters.

19 (13) An absent uniformed services voter or an overseas voter
20 may use the federal write-in absentee ballot, in accordance with
21 the provisions of the uniformed and overseas citizens absentee
22 voting act, at a regular election or special election to vote for
23 a local, state, or federal office or on a ballot question. An
24 absent uniformed services voter or an overseas voter who uses the
25 federal write-in absentee ballot shall return his or her voted
26 federal write-in absentee ballot by mail to the appropriate
27 clerk. The state bureau of elections shall do both of the

1 following:

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

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

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

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

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

23 (16) THE SECRETARY OF STATE SHALL ORDER A CITY, VILLAGE, OR
24 TOWNSHIP CLERK TO EXTEND THE BALLOT RECEIPT DEADLINE FOR ANY
25 ABSENTEE VOTER BALLOTS UNDER THIS SECTION THAT WERE NOT
26 TRANSMITTED TO AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
27 VOTER IN COMPLIANCE WITH SUBSECTION (5). THE EXTENSION SHALL

1 EQUAL THE TOTAL NUMBER OF DAYS BEYOND THE DEADLINE AS PROVIDED IN
2 SUBSECTION (5) THAT THE CITY, VILLAGE, OR TOWNSHIP CLERK
3 TRANSMITTED THE REQUESTED ABSENTEE VOTER BALLOTS. THESE ABSENTEE
4 VOTER BALLOTS RECEIVED DURING THE EXTENSION TIME SHALL BE COUNTED
5 AND TABULATED FOR THE FINAL RESULTS OF THE ELECTION PROVIDED THAT
6 THE ABSENTEE VOTER BALLOTS ARE EXECUTED AND SENT BY THE CLOSE OF
7 THE POLLS ON ELECTION DAY. THE ELECTION MAY BE FORMALLY CERTIFIED
8 BEFORE THE END OF THE EXTENSION TIME IF THE NUMBER OF OUTSTANDING
9 ABSENTEE VOTER BALLOTS UNDER THIS SUBSECTION WILL NOT ALTER THE
10 OUTCOME OF THE ELECTION.

11 (17) ~~(16)~~—As used in this section:

12 (a) "Absent uniformed services voter" means any of the
13 following:

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

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

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

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

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

5 (ii) Enrolled with the United States for employment or
6 training for employment, or maintained by the United States for
7 emergency relief service, as an officer or crew member of a
8 vessel documented under the laws of the United States, a vessel
9 owned by the United States, or a vessel of foreign-flag registry
10 under charter to or control of the United States.

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

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

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

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

22 (d) "Uniformed services" means the army, navy, air force,
23 marine corps, coast guard, the commissioned corps of the public
24 health service, the commissioned corps of the national oceanic
25 and atmospheric administration, a reserve component of a
26 uniformed service, or the Michigan national guard as defined in
27 section 105 of the Michigan military act, 1967 PA 150, MCL

1 32.505.

2 Sec. 761. (1) If the clerk of a city, township, or village
3 receives an application for an absent voter ballot from a person
4 registered to vote in that city, township, or village and if the
5 signature on the application agrees with the signature for the
6 person contained in the qualified voter file or on the
7 registration card as required in subsection (2), the clerk
8 immediately upon receipt of the application or, if the
9 application is received before the printing of the absent voter
10 ballots, as soon as the ballots are received by the clerk, shall
11 forward by mail, postage prepaid, or shall deliver personally 1
12 of the ballots or set of ballots if there is more than 1 kind of
13 ballot to be voted to the applicant. ~~Absent~~ **SUBJECT TO THE**
14 **IDENTIFICATION REQUIREMENT IN SUBSECTION (6), ABSENT** voter
15 ballots may be delivered to an applicant in person at the office
16 of the clerk.

17 (2) The qualified voter file shall be used to determine the
18 genuineness of a signature on an application for an absent voter
19 ballot. Signature comparisons shall be made with the digitized
20 signature in the qualified voter file. If the qualified voter
21 file does not contain a digitized signature of an elector, or is
22 not accessible to the clerk, the city or township clerk shall
23 compare the signature appearing on the application for an absent
24 voter ballot to the signature contained on the master card.

25 (3) Notwithstanding section 759, providing that no absent
26 voter applications shall be received by the clerk after 2 p.m. on
27 the Saturday before the election, **AND SUBJECT TO THE**

1 **IDENTIFICATION REQUIREMENT IN SUBSECTION (6)**, a person qualified
2 to vote as an absent voter may apply in person at the clerk's
3 office before 4 p.m. on a day ~~preceding~~**BEFORE** the election
4 except Sunday or a legal holiday to vote as an absent voter. The
5 applicant shall receive his or her absent voter ballot and vote
6 the ballot in the clerk's office. All other absent voter ballots,
7 except ballots delivered pursuant to an emergency absent voter
8 ballot application under section 759b, shall be mailed or
9 delivered to the registration address of the applicant unless the
10 application requests delivery to an address outside the city,
11 village, or township or to a hospital or similar institution, in
12 which case the absent voter ballots shall be mailed or delivered
13 to the address given in the application. However, a clerk may
14 mail or deliver an absent voter ballot, upon request of the
15 absent voter, to a post office box if the post office box is
16 where the absent voter normally receives personal mail and the
17 absent voter does not receive mail at his or her registration
18 address.

19 (4) Absent voter ballots shall be issued in the same order
20 in which applications are received by the clerk of a city,
21 township, or village, as nearly as may be, and each ballot issued
22 shall bear the lowest number of each kind available for this
23 purpose. However, this provision does not prohibit a clerk from
24 immediately issuing an absent voter ballot to an absent voter who
25 applies in person in the clerk's office for absent voter ballots.
26 The clerk shall enclose with the ballot or ballots a return
27 envelope properly addressed to the clerk and bearing upon the

1 back of the envelope a printed statement in substantially the
2 following form:

3 TO BE COMPLETED

4 BY THE CLERK

5 _____
6 Name of Voter Street Address or R.R.
7 _____
8 City, Township or Village County
9 Ward _____ Precinct _____ Date of Election _____

10 =====

11 TO BE COMPLETED BY THE ABSENT VOTER

12 I assert that I am a **UNITED STATES CITIZEN AND A** qualified
13 and registered elector of the city, township, or village named
14 above. I am voting as an absent voter in conformity with state
15 election law. Unless otherwise indicated below, I personally
16 marked the ballot enclosed in this envelope without exhibiting it
17 to any other person.

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

23 DATE: _____ SIGN HERE: X _____
24 Signature of Absent Voter

25 The above form must be signed or your vote will not be counted.

26 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
27 OF A MISDEMEANOR.

1 =====
 2 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
 3 BY ANOTHER PERSON

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

9 _____
 10 Signature of Person Street Address City, Twp., or
 11 Assisting Voter or R.R. Village

12 _____
 13 Printed Name of Person Assisting Voter

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

16 =====
 17 WARNING

18 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
 19 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
 20 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
 21 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
 22 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
 23 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
 24 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
 25 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
 26 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
 27 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR

1 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
2 VOTER BALLOT IS GUILTY OF A FELONY.

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

8 (6) IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN
9 PERSON FROM THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH
10 HE OR SHE IS REGISTERED, THE CLERK OF THE CITY, TOWNSHIP, OR
11 VILLAGE SHALL NOT PROVIDE AN ABSENT VOTER BALLOT TO THAT ELECTOR
12 UNTIL THE ELECTOR IDENTIFIES HIMSELF OR HERSELF TO THE CLERK BY
13 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT
14 ELECTOR UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR
15 CHAUFFEUR'S LICENSE ISSUED TO THAT ELECTOR UNDER THE MICHIGAN
16 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER
17 GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD. IF AN ELECTOR
18 DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD, OPERATOR'S
19 OR CHAUFFEUR'S LICENSE, OR OTHER GENERALLY RECOGNIZED PICTURE
20 IDENTIFICATION CARD, THE ELECTOR MAY SIGN AN AFFIDAVIT TO THAT
21 EFFECT BEFORE THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE AND BE
22 ALLOWED TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM
23 THE CLERK. THE CLERK OF THE CITY, VILLAGE, OR TOWNSHIP SHALL
24 INDICATE TO EACH ELECTOR WHO OBTAINS HIS OR HER ABSENT VOTER
25 BALLOT IN PERSON FROM THE CLERK THAT THE ELECTOR MAY SIGN AN
26 AFFIDAVIT INDICATING THAT THE ELECTOR DOES NOT HAVE AN OFFICIAL
27 STATE IDENTIFICATION CARD, OPERATOR'S OR CHAUFFEUR'S LICENSE, OR

1 OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD IN ORDER
2 TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE
3 CLERK. HOWEVER, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER
4 BALLOT IN PERSON FROM THE CLERK AND VOTES BY ABSENT VOTER BALLOT
5 WITHOUT PROVIDING THE IDENTIFICATION REQUIRED UNDER THIS
6 SUBSECTION, THE ABSENT VOTER BALLOT OF THAT ELECTOR SHALL BE
7 PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN SECTION 727 AND
8 SHALL BE COUNTED AS ANY OTHER BALLOT IS COUNTED UNLESS DETERMINED
9 OTHERWISE BY A COURT OF LAW UNDER SECTION 747 OR 748 OR ANY OTHER
10 APPLICABLE LAW.

11 Sec. 813. (1) Within 6 days after ~~the~~ ~~AN~~ election, for each
12 provisional ballot that was placed in a provisional ballot return
13 envelope, the city or township clerk shall determine whether the
14 individual voting the provisional ballot was eligible to vote a
15 ballot and whether to tabulate the provisional ballot. In making
16 this determination, the city or township clerk shall not open the
17 provisional ballot return envelope. A provisional ballot shall
18 only be tabulated if a valid voter registration record for the
19 elector is located or if the identity and residence of the
20 elector is established using a Michigan operator's license,
21 chauffeur's license, personal identification card, other
22 government issued photo identification card, or a photo
23 identification card issued by an institution of higher education
24 in this state described in section 6 of article VIII of the state
25 constitution of 1963 or a junior college or community college
26 established under section 7 of article VIII of the state
27 constitution of 1963 along with a document to establish the

1 voter's current residence address as provided in section 523a(5).
2 Before the provisional ballot is tabulated, election officials
3 shall process the ballot as a challenged ballot under sections
4 745 and 746.

5 (2) Within 7 days after ~~the~~**AN** election, but sooner if
6 practicable, the city or township clerk shall transmit the
7 results of provisional ballots tabulated after the election to
8 the board of county canvassers. The results shall be transmitted
9 in a form prescribed by the secretary of state.

10 (3) Within 7 days after ~~the~~**AN** election, the city or
11 township clerk shall transmit to the county clerk a provisional
12 ballot report for each precinct in the jurisdiction. The report
13 shall include for each precinct the number of provisional ballots
14 issued, the number of provisional ballots tabulated on election
15 day, the number of provisional ballots forwarded to the clerk to
16 be determined after the election, the number of provisional
17 ballots tabulated by the clerk after election day, and any
18 additional information concerning provisional ballots as required
19 by the secretary of state.

20 **(4) WITHIN 7 DAYS AFTER AN ELECTION, THE CITY OR TOWNSHIP**
21 **CLERK SHALL TRANSMIT TO THE COUNTY CLERK AN AFFIDAVIT REPORT THAT**
22 **INCLUDES THE NUMBER OF AFFIDAVITS SIGNED BY VOTERS UNDER SECTION**
23 **523(2). THE AFFIDAVIT REPORT SHALL BE TRANSMITTED TO THE COUNTY**
24 **CLERK IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.**

25 Sec. 829. (1) The board of county canvassers shall include
26 the results of the tabulated provisional ballots in the canvass
27 of the election following procedures prescribed by the secretary

1 of state designed to maintain the secrecy of the ballot.

2 (2) Within 14 days after a primary or election, the county
3 clerk shall transmit a county provisional ballot report to the
4 secretary of state. The county provisional ballot report shall be
5 in a manner prescribed by the secretary of state. After the
6 secretary of state receives a county provisional ballot report,
7 the county provisional ballot report shall be immediately
8 available for public inspection.

9 (3) WITHIN 14 DAYS AFTER AN ELECTION, THE COUNTY CLERK SHALL
10 TRANSMIT A COUNTY AFFIDAVIT REPORT TO THE SECRETARY OF STATE. THE
11 COUNTY AFFIDAVIT REPORT SHALL INCLUDE THE NUMBER OF AFFIDAVITS
12 SIGNED BY VOTERS UNDER SECTION 523(2). THE COUNTY AFFIDAVIT
13 REPORT SHALL BE TRANSMITTED IN A FORM PRESCRIBED BY THE SECRETARY
14 OF STATE. AFTER THE SECRETARY OF STATE RECEIVES THE COUNTY
15 AFFIDAVIT REPORT FROM THE COUNTY CLERK, THE COUNTY AFFIDAVIT
16 REPORT SHALL IMMEDIATELY BE AVAILABLE FOR PUBLIC INSPECTION.

17 Enacting section 1. Section 500f of the Michigan election
18 law, 1954 PA 116, MCL 168.500f, is repealed.