

Act No. 177
Public Acts of 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senators Johnson, Wojno, Bullock, Lucido, Nesbitt, Runestad, MacDonald,
MacGregor, Hollier, Alexander and Moss

ENROLLED SENATE BILL No. 757

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 759, 761, 764a, 765, 765a, and 765b (MCL 168.759, 168.761, 168.764a, 168.765, 168.765a, and 168.765b), sections 759 and 761 as amended by 2018 PA 603, section 764a as amended by 2012 PA 128, sections 765 and 765a as amended by 2020 PA 95, and section 765b as added by 2018 PA 127, and by adding sections 14b, 24k, and 761d.

The People of the State of Michigan enact:

Sec. 14b. As used in this act, “absent voter ballot secrecy envelope container” means a container described in section 24k that is used for storing and securing absent voter ballot secrecy envelopes that are removed from the absent voter ballot return envelopes on the day before election day as provided in section 765.

Sec. 24k. (1) An absent voter ballot secrecy envelope container includes a ballot bag, box, transfer case, or other container used to store and secure absent voter ballot secrecy envelopes.

(2) A manufacturer or distributor of an absent voter ballot secrecy envelope container shall submit an absent voter ballot secrecy envelope container to the secretary of state for approval under the requirements of subsection (3) before the container is sold to a city or township for use at an election.

(3) The secretary of state shall not approve an absent voter ballot secrecy envelope container unless the container meets both of the following requirements:

- (a) The container is made of metal, plastic, fiberglass, or other material, that provides resistance to tampering.
- (b) The container is capable of being sealed.

(4) Before October 15, 2020, each board of county canvassers shall examine the absent voter ballot secrecy envelope containers to be used at the November 3, 2020 general election conducted under this act. The board of county canvassers shall designate on the absent voter ballot secrecy envelope container that the absent voter ballot secrecy envelope container does or does not meet the requirements under subsection (3). An absent voter ballot secrecy envelope container that is not approved by a board of county canvassers must not be used to store and secure any absent voter ballot secrecy envelopes.

(5) A city or township clerk may procure, at the expense of the respective city or township, absent voter ballot secrecy envelope containers that are approved under this section, or may use a ballot container approved under section 24j, to store and secure any absent voter ballot secrecy envelopes.

(6) A city or township clerk who does not use 1 of the following, or permits the use of a container other than 1 of the following, to store and secure any absent voter ballot secrecy envelopes is guilty of a misdemeanor:

(a) An absent voter ballot secrecy envelope container approved under this section.

(b) A ballot container approved under section 24j.

(7) This section does not apply after December 31, 2020.

Sec. 759. (1) Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

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

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

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

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

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person 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. 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 a city or township shall have absent voter ballot application forms available in the clerk's office 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 must be in substantially the following form:

"Application for absent voter ballot for:

The primary or special primary election to be held on _____ (Date).

The election to be held on _____ (Date).

(Check applicable election or elections)

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

Send absent voter ballot to me at:

.....
(Street No. or R.R.)

.....
(Post Office) (State) (Zip Code)

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

.....
(Post Office) (State) (Zip Code)

Date.....

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

.....
(Signature)

WARNING

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

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

**Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application**

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

(Date)

(Signature)"

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you may not receive an absent voter ballot.

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

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

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

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

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

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

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

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

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

(3) Subject to the identification requirement in subsection (6) and except as otherwise provided in this subsection, a person may apply in person at the clerk's office before 8 p.m. on election day to vote as an absent voter. Except as otherwise provided in subsection (2), only an individual who is not a registered elector, or an individual who is not registered to vote in the city or township in which he or she is registering to vote, and who registers to vote on election day in person with the clerk of the city or township in which the individual resides may apply for and complete an absent voter ballot in person at the clerk's office on election day. Except as otherwise provided in subsection (2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, must be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution, in which case the absent voter ballots must be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

(4) Absent voter ballots must be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued must bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED
BY THE CLERK

Name of Voter	Street Address or R.R.
City or Township	County
Ward _____	Precinct _____
	Date of Election _____

=====

TO BE COMPLETED BY THE ABSENT VOTER

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

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

DATE: _____

SIGN HERE: X _____

Signature of Absent Voter

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

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

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

Signature of Person
Assisting Voter

Street Address
or R.R.

City or Township

Printed Name of Person Assisting Voter

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

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WARNING

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

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

(6) If an elector obtains his or her absent voter ballot in person from the clerk of the city or township in which he or she is registered, the clerk of the city or township shall not provide an absent voter ballot to that elector until the elector identifies himself or herself to the clerk by presenting identification for election purposes. If an elector does not have identification for election purposes, the elector may sign an affidavit to that effect before the clerk of the city or township and be allowed to obtain his or her absent voter ballot in person from the clerk. The clerk of the city or township shall indicate to each elector who is registered in that city or township and who obtains his or her absent voter ballot in person from the clerk that the elector may sign an affidavit indicating that the elector does not have identification for election purposes in order to obtain his or her absent voter ballot in person from the clerk. However, if an elector obtains his or her absent voter ballot in person from the clerk and votes by absent voter ballot without providing identification for election purposes required under this subsection, the absent voter ballot of that elector must be prepared as a challenged ballot as provided in section 727 and must be counted as any other ballot is counted unless determined otherwise by a court of law under section 747 or 748 or any other applicable law.

Sec. 761d. (1) Except as otherwise provided in this subsection and subsection (2), if an absent voter ballot drop box was ordered or installed in a city or township before October 1, 2020, that absent voter ballot drop box is exempt from the requirements of this section. Subsection (5) applies to an absent voter ballot drop box described in this subsection.

(2) If an absent voter ballot drop box was ordered, but not installed in, a city or township before October 1, 2020, the clerk of that city or township must make every reasonable effort to have that absent voter ballot drop box comply with the requirements of this section.

- (3) An absent voter ballot drop box must meet all of the following requirements:
 - (a) Be clearly labeled as an absent voter ballot drop box.
 - (b) Whether located indoors or outdoors, be securely locked and be designed to prevent the removal of absent voter ballots when locked.
 - (c) If located in an area that is not continuously staffed, be secured to prevent the removal of the absent voter ballot drop box from its location.
 - (4) If an absent voter ballot drop box is located outdoors, all of the following apply:
 - (a) The drop box must be securely locked and bolted to the ground or to another stationary object.
 - (b) The drop box must be equipped with a single slot or mailbox-style lever to allow absent voter ballot return envelopes to be placed in the drop box, and all other openings on the drop box must be securely locked.
 - (c) The city or township clerk must use video monitoring of that drop box to ensure effective monitoring of that drop box.
 - (d) The drop box must be in a public, well-lit area with good visibility.
 - (e) The city or township clerk must immediately report to local law enforcement any vandalism involving the drop box or any suspicious activity occurring in the immediate vicinity of the drop box.
 - (5) Only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff, is authorized to collect absent voter ballots from an absent voter ballot drop box.

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

INSTRUCTIONS FOR ABSENT VOTERS

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

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

Step 3. Place the ballot or ballots in the return envelope and securely seal the envelope.

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

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

- (a) Place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

- (b) Deliver the envelope personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk, or to a secure drop box located in the city or township.

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

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

Step 6. The ballot must reach the clerk or an authorized assistant of the clerk before the close of the polls on election day. An absent voter ballot received by the clerk or assistant of the clerk after the close of the polls on election day will not be counted.

WARNING

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

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

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

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

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

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

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

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

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

(4) If a marked absent voter ballot is received by the clerk after the close of the polls, the clerk shall plainly mark the envelope with the time and date of receipt and shall file the envelope in his or her office.

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

(6) For the November 3, 2020 general election only, if the clerk of a city or township with a population of at least 25,000 provides written notice in compliance with this subsection to the secretary of state 20 days or more before election day, that city or township clerk, or his or her authorized designee, may between the hours of 10 a.m. and 8 p.m. on the day before election day perform certain absent voter ballot pre-processing activities as described in this subsection. The written notice provided to the secretary of state must include the location and hours that the absent voter ballot return envelopes will be opened in that city or township. The secretary of state shall post any written notice received from the clerk of a city or township under this subsection on the department of state website. In addition, the clerk of the city or township shall post the written notice provided to the secretary of state on the city or township website. The board of election commissioners shall appoint election inspectors to the location where absent voter ballot return envelopes will be opened in that city or township not less than 21 days or more than 40 days before the day at which they are to be used. Election inspectors may be appointed by the board of election commissioners under this subsection before written notice is provided to the secretary of state under this subsection. Sections 673a and 674 apply to the appointment of election inspectors under this

subsection. All requirements for election inspectors appointed to an absent voter counting board under section 765a apply to election inspectors appointed under this subsection. At all times, at least 1 election inspector from each major political party must be present at the location and the policies and procedures adopted by the secretary of state regarding the handling of absent voter ballot return envelopes and absent voter ballot secrecy envelopes must be followed. After providing written notice to the secretary of state in compliance with this subsection, a city or township clerk, or his or her authorized designee, on the day before election day is only authorized to perform standard processing activities up to and including the opening of absent voter ballot return envelopes and the removal of absent voter ballot secrecy envelopes containing absent voter ballots and to verify that the ballot number on the ballot stub agrees with the ballot number on the absent voter ballot return envelope label. The city or township clerk, or his or her authorized designee, is not authorized to remove absent voter ballots from the absent voter ballot secrecy envelopes. If an opened absent voter ballot return envelope contains an absent voter ballot that is not contained in an absent voter ballot secrecy envelope, the city or township clerk, or his or her designee, shall immediately insert that absent voter ballot into an absent voter ballot secrecy envelope. The opening of absent voter ballot return envelopes must be done at a location designated by the city or township clerk, and the location and opening of absent voter ballot return envelopes must be accessible to challengers as described in section 730. The election inspectors appointed to the location where absent voter ballot return envelopes will be opened in that city or township must never leave the absent voter ballot secrecy envelopes unattended. Once the absent voter ballot return envelopes have been opened as provided in this subsection, the absent voter ballot secrecy envelopes containing the absent voter ballots to be counted must be stored, secured, and sealed in an absent voter ballot secrecy envelope container, as described in section 24k, or stored, secured, and sealed in a ballot container approved under section 24j. The city or township clerk shall record the seal number in the poll book, or an addendum to the poll book, and follow all other policies and procedures adopted by the secretary of state regarding absent voter ballots. The poll book, or an addendum to the poll book, must be signed and dated by 1 election inspector from each major political party who is present at the location on the day before election day. The city or township clerk shall store the absent voter ballot secrecy envelope container containing the absent voter ballot secrecy envelopes in a secure location until election day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (vii) The number of ballots that had to be duplicated in each city or township.
- (c) The total number of absent voter ballot return envelopes that were opened on the day before election day.
- (d) The total number of absent voter ballot return envelopes delivered to the election inspectors that did not contain an elector's signature and that were returned to the city or township clerk.
- (e) The total number of absent voter ballot return envelopes that were challenged, not opened by the election inspectors, and set aside to be processed by the election inspectors on election day.
- (f) The total number of absent voter ballot secrecy envelopes that were stored in an absent voter ballot secrecy envelope container.
- (g) For each city or township that performed absent voter ballot pre-processing activities as described in subsection (6), whether the number of absent voter ballot return envelopes opened on the day before election day matched the number of absent voter ballot secrecy envelopes delivered to the absent voter counting board on election day.

Sec. 765a. (1) Subject to section 764d, if a city or township decides to use absent voter counting boards, the board of election commissioners of that city or township shall establish an absent voter counting board for each election day precinct in that city or township. The ballot form of an absent voter counting board must correspond to the ballot form of the election day precinct for which it is established. After the polls close on election day, the county, city, or township clerk responsible for producing the accumulation report of the election results submitted by the boards of precinct election inspectors shall format the accumulation report to clearly indicate all of the following:

- (a) The election day precinct returns.
 - (b) The corresponding absent voter counting board returns.
 - (c) A total of each election day precinct return and each corresponding absent voter counting board return.
- (2) Subject to section 764d, the board of election commissioners shall establish the absent voter counting boards. Subject to section 764d, the board of election commissioners shall appoint the election inspectors to those absent voter counting boards not less than 21 days or more than 40 days before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section. The board of election commissioners shall determine the number of ballots that may be expeditiously counted by an absent voter counting board in a reasonable period of time, taking into consideration the size and complexity of the ballot to be counted pursuant to the guidelines of the secretary of state. Combined ballots must be regarded as the number of ballots as there are sections to the ballot.
- (3) If more than 1 absent voter counting board is to be used, the city or township clerk shall determine the number of electronic voting systems or the number of ballot boxes and the number of election inspectors to be used in each of the absent voter counting boards and to which absent voter counting board the absent voter ballots for each precinct are assigned for counting.
- (4) In a city or township that uses absent voter counting boards under this section, absent voter ballots must be counted in the manner provided in this section and, except as otherwise provided in section 764d, absent voter ballots must not be delivered to the polling places. Subject to section 764d, the board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the absent voter counting place or places in which the absent voter counting board performs its duties under this section, except the location may be in a different jurisdiction if the county provides a tabulator for use at a central absent voter counting board location in that county. The places must be designated as absent voter counting places. Except as otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. The provisions of this section relating to placing of absent voter ballots on electronic voting systems apply. More than 1 absent voter counting board may be located in 1 building.
- (5) The clerk of a city or township that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out its duties under this act. The supplies must be furnished to the city or township clerk in the same manner and by the same persons or agencies as for other precincts.
- (6) Subject to section 764d, absent voter ballots received by the clerk before election day must be delivered to the absent voter counting board by the clerk or the clerk's authorized assistant at the time the election inspectors of the absent voter counting boards report for duty, which time must be established by the board of election commissioners. Except as otherwise provided in section 764d, absent voter ballots received by the clerk before the time set for the closing of the polls on election day must be delivered to the absent voter counting boards. Except as otherwise provided in section 765(6), absent voter ballots must be delivered to the absent voter counting boards or combined absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk. Written or stamped on each of the return envelopes must be the time and the date that the

envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards or the digitized signatures of voters contained in the qualified voter file as provided under section 766. If it is determined after 8 p.m. on the day before election day that a signature on the registration card or a digitized signature contained in the qualified voter file and on the absent voter ballot return envelope does not agree as provided under section 766, if it is determined after 8 p.m. on the day before election day that the absent voter failed to sign the envelope, or if the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" must not be delivered to the absent voter counting board or combined absent voter counting board but must be preserved by the clerk until other ballots are destroyed in the manner provided in this act. If before 8 p.m. on the day before election day the clerk of a city or township rejects an absent voter ballot return envelope because the signature on the absent voter ballot return envelope does not agree sufficiently with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector or because the elector failed to sign the absent voter ballot return envelope, the city or township clerk shall as soon as practicable, but in no event later than 48 hours after determining the signatures do not agree sufficiently or that the signature is missing, or by 8 p.m. on the day before election day, whichever occurs first, notify the elector of the rejection by mail, telephone, or electronic mail. The clerk shall also comply with section 765(5).

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

(8) The absent voter counting boards and combined absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. The processing and tallying of absent voter ballots may commence at 7 a.m. on the day of the election.

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

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

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

(11) Voted absent voter ballots must be placed in an approved ballot container, and the ballot container must be sealed in the manner provided by this act for paper ballot precincts. The seal numbers must be recorded on the statement sheet and in the poll book.

(12) Subject to this subsection, a local election official who has established an absent voter counting board or combined absent voter counting board, the deputy or employee of that local election official, an employee of the state bureau of elections, a county clerk, an employee of a county clerk, or a representative of a voting equipment company may enter and leave an absent voter counting board or combined absent voter counting board after the tally has begun but before the polls close. A person described in this subsection may enter an absent voter counting

board or combined absent voter counting board only for the purpose of responding to an inquiry from an election inspector or a challenger or providing instructions on the operation of the counting board. Before entering an absent voter counting board or combined absent voter counting board, a person described in this subsection must take and sign the oath prescribed in subsection (9). The chairperson of the absent voter counting board or combined absent voter counting board shall record in the poll book the name of a person described in this subsection who enters the absent voter counting board or combined absent voter counting board. A person described in this subsection who enters an absent voter counting board or combined absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the time the polls can be legally closed on election day is guilty of a felony. As used in this subsection, "local election official" means a county, city, or township clerk.

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

Sec. 765b. (1) Not later than 5 p.m. on the Friday immediately before an election, an elector may submit a signed, written statement to his or her city or township clerk requesting that the clerk do both of the following:

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

(2) Upon receipt of a signed, written statement from an elector as described in subsection (1), the city or township clerk shall mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

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

- (a) Spoil his or her absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have his or her absent voter ballot spoiled.
- (b) Vote a new absent voter ballot in the clerk's office.

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

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

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

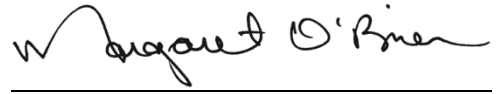
(6) Upon receipt of a signed, written statement from an elector as described in subsection (5), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

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

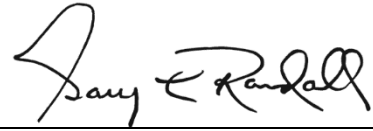
- (a) Spoil his or her absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have his or her absent voter ballot spoiled.
- (b) Vote a new absent voter ballot in the clerk's office.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor