

**SUBSTITUTE FOR
SENATE BILL NO. 285**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 759, 759a, 759b, and 761 (MCL 168.759,
168.759a, 168.759b, and 168.761), sections 759 and 761 as amended
by 2020 PA 302 and section 759a as amended by 2012 PA 523, and by
adding section 760a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during
2 the 75 days before a primary or special primary, but not later than
3 8 p.m. on the day of a primary or special primary, an elector may
4 apply for an absent voter ballot. The elector shall apply in person
5 or by mail with the clerk of the township or city in which the
6 elector is registered. The clerk of a city or township shall not

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

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

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

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

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

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

12 (c) On a federal postcard application.

13 (4) An applicant for an absent voter ballot ~~shall~~**must** sign
14 the application. **In addition, an applicant for an absent voter**
15 **ballot must either provide his or her driver license number or**
16 **official state personal identification card number on the**
17 **application, provide the last 4 digits of his or her Social**
18 **Security number on the application, or present an original or a**
19 **copy of identification for election purposes to the clerk of the**
20 **city or township in which the elector is registered or attach a**
21 **copy of identification for election purposes to his or her**
22 **application.** Subject to section 761(2), a clerk or assistant clerk
23 shall not deliver an absent voter ballot to an applicant who does
24 not sign the application. ~~A person~~**If an applicant does not provide**
25 **his or her driver license number or official state personal**
26 **identification card number, provide the last 4 digits of his or her**
27 **Social Security number, or present or attach identification for**
28 **election purposes as provided in this subsection, the clerk or**
29 **assistant clerk must issue the applicant a provisional absent voter**

1 **ballot that is processed according to section 523a(5). An**
 2 **individual** shall not be in possession of a signed absent voter
 3 ballot application except for the applicant; a member of the
 4 applicant's immediate family; ~~a person~~**an individual** residing in
 5 the applicant's household; ~~a person~~**an individual** whose job
 6 normally includes the handling of mail, but only during the course
 7 of his or her employment; a registered elector requested by the
 8 applicant to return the application; or a clerk, assistant of the
 9 clerk, or other authorized election official. A registered elector
 10 who is requested by the applicant to return his or her absent voter
 11 ballot application shall sign the certificate on the absent voter
 12 ballot application.

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

18 "Application for absent voter ballot for:
 19 [] The primary or special primary election to be held on
 20 _____ (Date).

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

22 (Check applicable election or elections)

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

1 Voter Identification:

2 You must choose one of the voter identification options below.
3 If you do not select one of the voter identification options, you
4 will be issued a provisional absent voter ballot that is subject to
5 verification and will not be tabulated on election day.

6 [] Your Michigan driver license number: _____.

7 [] Your official Michigan personal identification card
8 number: _____.

9 [] The last 4 digits of your Social Security number: _____.

10 [] Present identification for election purposes in person to
11 the city or township clerk.

12 [] Attach a copy of identification for election purposes to
13 the application.

14 Send absent voter ballot to me at:

15

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

17

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

19 My registered address

20 (Street No. or R.R. or Participant

21 Identification Number)

22

23 (Post Office) (State) (Zip Code)

24 Date.....

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

28

29 (Signature)

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

4 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

5 Step 1. After completely filling out the application, sign and
6 date the application in the place designated. Your signature must
7 appear on the application or you may not receive an absent voter
8 ballot. **In addition, you must either provide your driver license
9 number or official state personal identification card number on the
10 application, provide the last 4 digits of your Social Security
11 number on the application, or present an original or a copy of
12 identification for election purposes to the clerk of the city or
13 township in which you are registered or attach a copy of
14 identification for election purposes to the application. If you do
15 not provide your driver license number or official state personal
16 identification card number, provide the last 4 digits of your
17 Social Security number, or present or attach identification for
18 election purposes, you will be issued a provisional absent voter
19 ballot that is subject to verification and will not be tabulated on
20 election day.**

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

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

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

29 (c) In either (a) or (b), a member of the immediate family of

1 the voter including a father-in-law, mother-in-law, brother-in-law,
2 sister-in-law, son-in-law, daughter-in-law, grandparent, or
3 grandchild or a person residing in the voter's household may mail
4 or deliver the application to the clerk for the applicant.

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

10 (7) ~~A person~~ **An individual** who prints and distributes absent
11 voter ballot applications shall print on the application the
12 warning, certificate of authorized registered elector returning
13 absent voter ballot application, and instructions required by this
14 section.

15 (8) ~~A person~~ **An individual** who makes a false statement in an
16 absent voter ballot application is guilty of a misdemeanor. A
17 ~~person~~ **An individual** who forges a signature on an absent voter
18 ballot application is guilty of a felony. ~~A person~~ **An individual**
19 who is not authorized in this act and who both distributes absent
20 voter ballot applications to absent voters and returns those absent
21 voter ballot applications to a clerk or assistant of the clerk is
22 guilty of a misdemeanor.

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

28 Sec. 759a. (1) An absent uniformed services voter or an
29 overseas voter who is not registered, but possessed the

1 qualifications of an elector under section 492, may apply for
2 registration by using the federal postcard application. The
3 department of state, bureau of elections, is responsible for
4 disseminating information on the procedures for registering and
5 voting to an absent uniformed services voter and an overseas voter.

6 (2) Upon the request of an absent uniformed services voter or
7 an overseas voter, the clerk of a county, city, township, or
8 village shall electronically transmit a blank voter registration
9 application or blank absent voter ballot application to the voter.
10 The clerk of a county, city, township, or village shall accept a
11 completed voter registration application or completed absent voter
12 ballot application electronically transmitted by an absent
13 uniformed services voter or overseas voter. A voter registration
14 application or absent voter ballot application submitted by an
15 absent uniformed services voter or overseas voter ~~shall~~**must**
16 contain the signature of the voter. **In addition, an applicant for**
17 **an absent voter ballot must provide his or her driver license**
18 **number or official state personal identification card number on the**
19 **application, provide the last 4 digits of his or her Social**
20 **Security number on the application, or attach a copy of**
21 **identification for election purposes to his or her application. If**
22 **an applicant transmits his or her completed absent voter ballot**
23 **application electronically, a copy of his or her identification for**
24 **election purposes may also be transmitted electronically.**

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

1 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~~ **Subject to this subsection, upon** receipt of an
5 application for an absent voter ballot under this section that
6 complies with this act, a county, city, village, or township clerk
7 shall forward to the applicant the absent voter ballots requested,
8 the forms necessary for registration, and instructions for
9 completing the forms. **If an applicant does not provide his or her**
10 **driver license number or official state personal identification**
11 **card number, provide the last 4 digits of his or her Social**
12 **Security number, or attach identification for election purposes to**
13 **his or her application, the clerk must issue the applicant a**
14 **provisional absent voter ballot that is processed according to**
15 **section 523a(5).** If the ballots are not yet available at the time
16 of receipt of the application, the clerk shall immediately forward
17 to the applicant the registration forms and instructions, and
18 forward the ballots as soon as they are available. If a federal
19 postcard application or an application from the official United
20 States ~~department~~ **Department** of ~~defense~~ **Defense** website is filed,
21 the clerk shall accept the federal postcard application or the
22 application from the official United States ~~department~~ **Department**
23 of ~~defense~~ **Defense** website as the registration application and
24 shall not send any additional registration forms to the applicant.
25 If the ballots and registration forms are received before the close
26 of the polls on election day and if the registration complies with
27 the requirements of this act, the absent voter ballots shall be
28 delivered to the proper election board to be tabulated. If the
29 registration does not comply with the requirements of this act, the

1 clerk shall retain the absent voter ballots until the expiration of
2 the time that the voted ballots must be kept and shall then destroy
3 the ballots without opening the envelope. The clerk may retain
4 registration forms completed under this section in a separate file.
5 The address in this state shown on a registration form is the
6 residence of the registrant.

7 (5) ~~Not~~ **Subject to subsection (4), not** later than 45 days
8 before an election, a county, city, township, or village clerk
9 shall electronically transmit or mail as appropriate an absent
10 voter ballot to each absent uniformed services voter or overseas
11 voter who applied for an absent voter ballot 45 days or more before
12 the election.

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

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

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

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

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

1 ballot application from an absent uniformed services voter or
2 overseas voter shall transmit to the township clerk and the school
3 district election coordinators, where applicable, the necessary
4 information to enable the city or township clerk and school
5 district election coordinators to forward an absent voter ballot
6 for each applicable election in that calendar year to the absent
7 voter. If 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~~ **email** address provided by an absent
12 uniformed services voter or overseas voter for the purposes of this
13 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 voting
16 act, the state director of elections shall approve a ballot form
17 and registration procedures for absent uniformed services voters
18 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 a
23 local, state, or federal office or on a ballot question. An absent
24 uniformed services voter or an overseas voter who uses the federal
25 write-in absentee ballot shall return his or her voted federal
26 write-in absentee ballot by mail to the appropriate clerk. The
27 state bureau of elections shall do both of the following:

28 (a) Make the ballot format for each election available to
29 absent uniformed services voters and overseas voters by ~~electronic~~

1 ~~mail~~**email** or on an internet website maintained by the department
2 of state.

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

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

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

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

17 (16) The secretary of state shall order a city, village, or
18 township clerk to extend the ballot receipt deadline for any
19 absentee voter ballots under this section that were not transmitted
20 to an absent uniformed services voter or overseas voter in
21 compliance with subsection (5). The extension ~~shall~~**must** equal the
22 total number of days beyond the deadline as provided in subsection
23 (5) that the city, village, or township clerk transmitted the
24 requested absentee voter ballots. These absentee voter ballots
25 received during the extension time ~~shall~~**must** be counted and
26 tabulated for the final results of the election provided that the
27 absentee voter ballots are executed and sent by the close of the
28 polls on election day. The election may be formally certified
29 before the end of the extension time if the number of outstanding

1 absentee voter ballots under this subsection will not alter the
2 outcome of the election.

3 (17) As used in this section:

4 (a) "Absent uniformed services voter" means any of the
5 following:

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

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

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

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

20 (i) Employed as an officer or crew member of a vessel
21 documented under the laws of the United States, a vessel owned by
22 the United States, or a vessel of foreign-flag registry under
23 charter to or control of the United States.

24 (ii) Enrolled with the United States for employment or training
25 for employment, or maintained by the United States for emergency
26 relief service, as an officer or crew member of a vessel documented
27 under the laws of the United States, a vessel owned by the United
28 States, or a vessel of foreign-flag registry under charter to or
29 control of the United States.

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

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

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

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

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

21 Sec. 759b. (1) Any registered elector may apply for **an** absent
22 voter ~~ballots~~ **ballot** at any time ~~prior to~~ **before** 4 p.m. on election
23 day if he ~~shall have become~~ **or she becomes** physically disabled or
24 ~~shall be~~ **is** absent from the city or township because of sickness or
25 death in the family ~~which~~ **that** has occurred at a time ~~which~~ **that**
26 has made it impossible to apply for **an** absent voter ~~ballots~~ **ballot**
27 by the statutory deadline. The application ~~shall~~ **must** be called an
28 emergency absent voter application.

29 (2) ~~Emergency~~ **An emergency** absent voter applications

1 **application** may be made by letter or on a form provided by the
 2 clerk. The application ~~shall~~**must** set forth that the ~~voter~~**elector**
 3 is qualified to vote in the election, stating the statutory reason
 4 for applying for an emergency absent voter ballot and that the
 5 reason for applying after the statutory deadline occurred at such a
 6 time to make it impossible to file an application for **an** absent
 7 voter ~~ballots~~**ballot** by the statutory deadline. **An applicant for an**
 8 **emergency absent voter ballot must either provide his or her driver**
 9 **license number or official state personal identification card**
 10 **number on the application, provide the last 4 digits of his or her**
 11 **Social Security number on the application, or present an original**
 12 **or a copy of identification for election purposes to the clerk of**
 13 **the city or township in which the elector is registered or attach a**
 14 **copy of identification for election purposes to his or her**
 15 **application.**

16 (3) Any ~~person~~**individual** intentionally making a false
 17 statement in ~~such an~~ **emergency absent voter** application is guilty
 18 of a felony. Any ~~person~~**individual** aiding or abetting any ~~person~~
 19 **individual** to make a false statement on ~~such an~~ **emergency absent**
 20 **voter** application is guilty of a felony.

21 (4) ~~Upon~~**Subject to this subsection, upon** receipt by the clerk
 22 of a valid application for an emergency absent voter ballot, the
 23 clerk may deliver the ~~ballots~~**ballot** to the applicant in person,
 24 through a deputy or an election assistant, or he **or she** may deliver
 25 ~~them~~**the ballot** at his **or her** office to a ~~person~~**an individual**
 26 named by the applicant in the application. **If an applicant does not**
 27 **provide his or her driver license number or official state personal**
 28 **identification card number, provide the last 4 digits of his or her**
 29 **Social Security number, or present or attach identification for**

1 election purposes as provided in subsection (2), the clerk, deputy
 2 clerk, or election assistant must issue the applicant a provisional
 3 absent voter ballot that is processed according to section 523a(5).

4 The voter may return the ~~ballots~~ **ballot** to the clerk in the sealed
 5 envelope provided ~~therefor~~ in any manner he **or she** sees fit. To be
 6 valid, ~~ballots~~ **a ballot** must be returned to the clerk in time to be
 7 delivered to the polls ~~prior to~~ **before** 8 p.m. on election day.

8 **Sec. 760a. Each city and township clerk shall have access to**
 9 **the most current department of state data system that contains all**
 10 **of the following information for an individual in order for the**
 11 **clerk to verify the identity of an elector who submits an absent**
 12 **voter ballot application:**

13 (a) **The last 4 digits of an individual's Social Security**
 14 **number.**

15 (b) **An individual's driver license number or official state**
 16 **personal identification card number.**

17 **Sec. 761. (1) ~~If~~ Subject to this subsection, if** the clerk of a
 18 city or township receives an application for an absent voter ballot
 19 from ~~a person~~ **an individual** registered to vote in that city or
 20 township and if the signature on the application agrees with the
 21 signature for the ~~person~~ **individual** contained in the qualified
 22 voter file or on the registration card as required in subsection
 23 (2), the clerk immediately upon receipt of the application or, if
 24 the application is received before the printing of the absent voter
 25 ballots, as soon as the ballots are received by the clerk, shall
 26 forward by mail, postage prepaid, or shall deliver personally 1 of
 27 the ballots or set of ballots if there is more than 1 kind of
 28 ballot to be voted to the applicant. If the clerk of a city or
 29 township receives an application for an absent voter ballot from an

1 applicant who is a program participant, as that term is defined in
2 **section 3 of** the address confidentiality program act, **2020 PA 301,**
3 **MCL 780.853,** then the city or township clerk shall mail an absent
4 voter ballot to that program participant at the designated address
5 provided to that program participant by the department of the
6 attorney general under the address confidentiality program act,
7 **2020 PA 301, MCL 780.851 to 780.873. If an applicant does not**
8 **provide his or her driver license number or official state personal**
9 **identification card number, provide the last 4 digits of his or her**
10 **Social Security number, or present or attach identification for**
11 **election purposes as provided in section 759(4), the clerk must**
12 **issue the applicant a provisional absent voter ballot that is**
13 **processed according to section 523a(5).** Subject to the
14 identification requirement in subsection (6), absent voter ballots
15 may be delivered to an applicant in person at the office of the
16 clerk.

17 (2) The qualified voter file must be used to determine the
18 genuineness of a signature on an application for an absent voter
19 ballot. Signature comparisons must be made with the digitized
20 signature in the qualified voter file. If the qualified voter file
21 does not contain a digitized signature of an elector, or is not
22 accessible to the clerk, the city or township clerk shall compare
23 the signature appearing on the application for an absent voter
24 ballot to the signature contained on the master card. If before 8
25 p.m. on the day before election day the clerk of a city or township
26 rejects an absent voter ballot application because the signature on
27 the absent voter ballot application does not agree sufficiently
28 with the signature on the master card or the digitized signature
29 contained in the qualified voter file so as to identify the elector

1 or because the elector failed to sign the absent voter ballot
2 application, the city or township clerk shall as soon as
3 practicable, but in no event later than 48 hours after determining
4 the signatures do not agree sufficiently or that the signature is
5 missing, or by 8 p.m. on the day before election day, whichever
6 occurs first, notify the elector of the rejection by mail,
7 telephone, or ~~electronic mail.~~**email.**

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

1 However, a clerk may mail or deliver an absent voter ballot, upon
2 request of the absent voter, to a post office box if the post
3 office box is where the absent voter normally receives personal
4 mail and the absent voter does not receive mail at his or her
5 registration address.

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

16 TO BE COMPLETED

17 BY THE CLERK

_____		_____	
Name of Voter		Street Address or R.R. or	
		Program Participant	
		Identification Number	
_____		_____	
City or Township		County	
Ward _____	Precinct _____	Date of Election _____	
=====			

26 TO BE COMPLETED BY THE ABSENT VOTER

27 I assert that I am a United States citizen and a qualified and
28 registered elector of the city or township named above. I am voting
29 as an absent voter in conformity with state election law. Unless

1 otherwise indicated below, I personally marked the ballot enclosed
2 in this envelope without exhibiting it to any other person.

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

8 DATE: _____ SIGN HERE: X _____

9 Signature of Absent Voter

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

13 =====

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

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

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

24 _____
25 Printed Name of Person Assisting Voter

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

28 =====

29 WARNING

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

13 (5) An absent voter who knowingly makes a false statement on
 14 the absent voter ballot return envelope is guilty of a misdemeanor.
 15 ~~A person~~**An individual** who assists an absent voter and who
 16 knowingly makes a false statement on the absent voter ballot return
 17 envelope is guilty of a felony.

18 (6) ~~If~~**Except as otherwise provided in this subsection, if** an
 19 elector obtains his or her absent voter ballot in person from the
 20 clerk of the city or township in which he or she is registered, the
 21 clerk of the city or township shall not provide an absent voter
 22 ballot to that elector until the elector identifies himself or
 23 herself to the clerk by **providing his or her driver license number**
 24 **or official state personal identification card number, providing**
 25 **the last 4 digits of his or her Social Security number, or**
 26 presenting **an original or a copy of** identification for election
 27 purposes. If an elector does not ~~have~~**provide his or her driver**
 28 **license number or official state personal identification card**
 29 **number, provide the last 4 digits of his or her Social Security**

1 **number, or present an original or a copy of** identification for
2 election purposes, ~~the elector may sign an affidavit to that effect~~
3 ~~before the clerk of the city or township and be allowed to obtain~~
4 ~~his or her absent voter ballot in person from the clerk. The clerk~~
5 ~~of the city or township shall indicate to each elector who is~~
6 ~~registered in that city or township and who obtains his or her~~
7 ~~absent voter ballot in person from the clerk that the elector may~~
8 ~~sign an affidavit indicating that the elector does not have~~
9 ~~identification for election purposes in order to obtain his or her~~
10 ~~absent voter ballot in person from the clerk. However, if an~~
11 ~~elector obtains his or her absent voter ballot in person from the~~
12 ~~clerk and votes by absent voter ballot without providing~~
13 ~~identification for election purposes required under this~~
14 ~~subsection, the absent voter ballot of that elector must be~~
15 ~~prepared as a challenged ballot as provided in section 727 and must~~
16 ~~be counted as any other ballot is counted unless determined~~
17 ~~otherwise by a court of law under section 747 or 748 or any other~~
18 ~~applicable law.~~**clerk must issue the elector a provisional absent**
19 **voter ballot that is processed according to section 523a(5) .**