

HOUSE BILL NO. 5518

November 03, 2021, Introduced by Reps. Koleszar, Breen, Puri, Kuppa, Morse, Lasinski, Hope, Stone, Cynthia Johnson, Sabo, Steckloff, Haadsma, Scott, Cavanagh, Sowerby, Hood, Rabhi, Tate, Young, Yancey and Anthony and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 765, 765a, and 765b (MCL 168.765, 168.765a,
and 168.765b), as amended by 2020 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 765. (1) Except as otherwise provided in subsection (6),
2 a clerk who receives an absent voter ballot return envelope
3 containing the marked ballots of an absent voter shall not open
4 that envelope before delivering the envelope to the board of

1 election inspectors as provided in this section. Except as
2 otherwise provided in subsection (6), the city or township clerk
3 shall safely keep in his or her office until election day, **or until**
4 **an earlier day as provided in subsection (2)**, any absent voter
5 ballot return envelopes received by the clerk before election day
6 containing the marked ballots of an absent voter.

7 (2) **If a city or township establishes absent voter counting**
8 **boards under section 765a that meet to open, process, and tabulate**
9 **absent voter ballots before election day, the clerk of that city or**
10 **township shall deliver the absent voter ballot return envelopes to**
11 **the chairperson or other member of the board of election inspectors**
12 **in that absent voter's absent voter counting board precinct each**
13 **day that the absent voter counting board meets before election day.**
14 Before the opening of the polls on election day or as soon after
15 the opening of the polls as possible, the clerk shall deliver the
16 absent voter ballot return envelopes to the chairperson or other
17 member of the board of election inspectors in the absent voter's
18 precinct, together with the signed absent voter ballot applications
19 received by the clerk from any voters of that precinct and the
20 clerk's list or record kept relative to those absent voters.
21 However, if higher numbered ballots are used under section 717, the
22 clerk shall retain the applications and lists in his or her office
23 and shall keep the applications and lists open to public inspection
24 at all reasonable hours. ~~Absent~~ **Except as otherwise provided in**
25 **section 765a, absent** voter ballots must not be tabulated before the
26 opening of the polls on election day.

27 (3) The city or township clerk, or authorized designee of the
28 clerk, shall call for and receive absent voter ballots from the
29 post office at which the city or township clerk regularly receives

1 mail addressed to the city or township clerk on election day. Any
2 envelopes containing absent voter ballots that are received from
3 the post office or from voters who voted by absentee ballot in
4 person in the clerk's office on election day must be delivered to
5 the board of election inspectors or, except as otherwise provided
6 in section 764d, the absent voter counting boards to be tabulated.

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

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

1 of absent voters received by the election inspectors at the
2 precincts on election day, along with the total number of absent
3 voter ballot return envelopes containing the marked ballots of
4 absent voters received in the city or township for that election.
5 This subsection applies only to elections in which a federal or
6 state office appears on the ballot.

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

1 requirements for election inspectors appointed to an absent voter
2 counting board under section 765a apply to election inspectors
3 appointed under this subsection. At all times, at least 1 election
4 inspector from each major political party must be present at the
5 location and the policies and procedures adopted by the secretary
6 of state regarding the handling of absent voter ballot return
7 envelopes and absent voter ballot secrecy envelopes must be
8 followed. After providing written notice to the secretary of state
9 in compliance with this subsection, a city or township clerk, or
10 his or her authorized designee, on the day before election day is
11 only authorized to perform standard processing activities up to and
12 including the opening of absent voter ballot return envelopes and
13 the removal of absent voter ballot secrecy envelopes containing
14 absent voter ballots and to verify that the ballot number on the
15 ballot stub agrees with the ballot number on the absent voter
16 ballot return envelope label. The city or township clerk, or his or
17 her authorized designee, is not authorized to remove absent voter
18 ballots from the absent voter ballot secrecy envelopes. If an
19 opened absent voter ballot return envelope contains an absent voter
20 ballot that is not contained in an absent voter ballot secrecy
21 envelope, the city or township clerk, or his or her designee, shall
22 immediately insert that absent voter ballot into an absent voter
23 ballot secrecy envelope. The opening of absent voter ballot return
24 envelopes must be done at a location designated by the city or
25 township clerk, and the location and opening of absent voter ballot
26 return envelopes must be accessible to challengers as described in
27 section 730. The election inspectors appointed to the location
28 where absent voter ballot return envelopes will be opened in that
29 city or township must never leave the absent voter ballot secrecy

1 envelopes unattended. Once the absent voter ballot return envelopes
2 have been opened as provided in this subsection, the absent voter
3 ballot secrecy envelopes containing the absent voter ballots to be
4 counted must be stored, secured, and sealed in an absent voter
5 ballot secrecy envelope container, as described in section 24k, or
6 stored, secured, and sealed in a ballot container approved under
7 section 24j. The city or township clerk shall record the seal
8 number in the poll book, or an addendum to the poll book, and
9 follow all other policies and procedures adopted by the secretary
10 of state regarding absent voter ballots. The poll book, or an
11 addendum to the poll book, must be signed and dated by 1 election
12 inspector from each major political party who is present at the
13 location on the day before election day. The city or township clerk
14 shall store the absent voter ballot secrecy envelope container
15 containing the absent voter ballot secrecy envelopes in a secure
16 location until election day.

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

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

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

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

29 (8) The election inspectors who are appointed to an absent

1 voter counting board on election day as provided in section 765a
2 shall do all of the following:

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

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

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

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

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

20 (a) The number of cities and townships that performed absent
21 voter ballot pre-processing activities as described in subsection
22 (6).

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

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

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

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

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

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

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

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

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

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

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

21 (f) The total number of absent voter ballot secrecy envelopes
22 that were stored in an absent voter ballot secrecy envelope
23 container.

24 (g) For each city or township that performed absent voter
25 ballot pre-processing activities as described in subsection (6),
26 whether the number of absent voter ballot return envelopes opened
27 on the day before election day matched the number of absent voter
28 ballot secrecy envelopes delivered to the absent voter counting
29 board on election day.

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

- 19 (a) The election day precinct returns.
20 (b) The corresponding absent voter counting board returns.
21 (c) A total of each election day precinct return and each
22 corresponding absent voter counting board return.

23 (2) Subject to section 764d, the board of election
24 commissioners shall establish the absent voter counting boards.
25 Subject to section 764d, the board of election commissioners shall
26 appoint the election inspectors to those absent voter counting
27 boards not less than 21 days or more than 40 days before the
28 election at which they are to be used. Sections 673a and 674 apply
29 to the appointment of election inspectors to absent voter counting

1 boards under this section. The board of election commissioners
2 shall determine the number of ballots that may be expeditiously
3 counted by an absent voter counting board in a reasonable period of
4 time, taking into consideration the size and complexity of the
5 ballot to be counted pursuant to the guidelines of the secretary of
6 state. Combined ballots must be regarded as the number of ballots
7 as there are sections to the ballot.

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

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

1 places. The provisions of this section relating to placing of
2 absent voter ballots on electronic voting systems apply. More than
3 1 absent voter counting board may be located in 1 building.

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

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

1 in the qualified voter file as provided under section 766. If it is
2 determined after 8 p.m. on the day before election day that a
3 signature on the registration card or a digitized signature
4 contained in the qualified voter file and on the absent voter
5 ballot return envelope does not agree as provided under section
6 766, if it is determined after 8 p.m. on the day before election
7 day that the absent voter failed to sign the envelope, or if the
8 statement of the absent voter is not properly executed, the clerk
9 shall mark the envelope "rejected" and the reason for the rejection
10 and shall place his or her name under the notation. An envelope
11 marked "rejected" must not be delivered to the absent voter
12 counting board or combined absent voter counting board but must be
13 preserved by the clerk until other ballots are destroyed in the
14 manner provided in this act. If before 8 p.m. on the day before
15 election day the clerk of a city or township rejects an absent
16 voter ballot return envelope because the signature on the absent
17 voter ballot return envelope does not agree sufficiently with the
18 signature on the master card or the digitized signature contained
19 in the qualified voter file so as to identify the elector or
20 because the elector failed to sign the absent voter ballot return
21 envelope, the city or township clerk shall as soon as practicable,
22 but in no event later than 48 hours after determining the
23 signatures do not agree sufficiently or that the signature is
24 missing, or by 8 p.m. on the day before election day, whichever
25 occurs first, notify the elector of the rejection by mail,
26 telephone, or ~~electronic mail.~~ **email**. The clerk shall also comply
27 with section 765(5).

28 (7) This chapter does not prohibit an absent voter from voting
29 in person within the voter's precinct at an election,

1 notwithstanding that the voter may have applied for an absent voter
 2 ballot and the ballot may have been mailed or otherwise delivered
 3 to the voter. The voter, the election inspectors, and other
 4 election officials shall proceed in the manner prescribed in
 5 section 769. The clerk shall preserve the canceled ballots for 2
 6 years.

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

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

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

27 (10) The oaths administered under subsection (9) must be
 28 placed in an envelope provided for the purpose and sealed with the
 29 red state seal. Following the election, the oaths must be delivered

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

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

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

1 township clerk.

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

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

1 subsection to the county chairperson of each political party where
2 that city or township is located.

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

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

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

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

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

1 that elector.

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

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

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

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

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

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

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

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

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

6 (a) Spoil his or her absent voter ballot by submitting a
7 signed, written statement to the city or township clerk indicating
8 that the elector wishes to have his or her absent voter ballot
9 spoiled.

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

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

17 **(9) If a city or township authorizes that absent voter**
18 **counting boards be established to open, process, and tabulate**
19 **absent voter ballots before election day as provided in section**
20 **765a, an elector who has voted and returned his or her absent voter**
21 **ballot to the city or township clerk is not permitted to spoil his**
22 **or her absent voter ballot after the date absent voter counting**
23 **boards in that city or township are authorized to meet and begin**
24 **opening, processing, and tabulating absent voter ballots.**