

HOUSE BILL NO. 5952

March 22, 2022, Introduced by Reps. Rabhi, Brabec, Young, Sowerby, Hope, Manoogian, Pohutsky, Brenda Carter, Sabo, Weiss, Stone, Tate, Kuppa, Morse, Hood, Steckloff, Breen, Hertel, Tyrone Carter, Rogers, Lasinski, Neeley, Haadsma, Ellison, Thanedar, LaGrand, Koleszar, Scott, Brixie, Garza, Cynthia Johnson, Anthony and Yancey and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 759, 761, 765a, 766, and 767 (MCL 168.759,
168.761, 168.765a, 168.766, and 168.767), sections 759 and 761 as
amended by 2020 PA 302, section 765a as amended by 2020 PA 177,
section 766 as amended by 2018 PA 120, and section 767 as amended
by 2005 PA 71, and by adding sections 766a and 766b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during

1 the 75 days before a primary or special primary, but not later than
2 8 p.m. on the day of a primary or special primary, an elector may
3 apply for an absent voter ballot. The elector shall apply in person
4 or by mail with the clerk of the township or city in which the
5 elector is registered. The clerk of a city or township shall not
6 send by first-class mail an absent voter ballot to an elector after
7 5 p.m. on the Friday immediately before the election. Except as
8 otherwise provided in section ~~761(2)~~, **766a**, the clerk of a city or
9 township shall not issue an absent voter ballot to a registered
10 elector in that city or township after 4 p.m. on the day before the
11 election. An application received before a primary or special
12 primary may be for either that primary only, or for that primary
13 and the election that follows. An individual may submit a voter
14 registration application and an absent voter ballot application at
15 the same time if applying in person with the clerk or deputy clerk
16 of the city or township in which the individual resides.
17 Immediately after his or her voter registration application and
18 absent voter ballot application are approved by the clerk or deputy
19 clerk, the individual may, subject to the identification
20 requirement in section 761(6), complete an absent voter ballot at
21 the clerk's office.

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

election. Except as otherwise provided in section ~~761(2), 766a~~, 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), 766a~~, a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. ~~A person~~ **An individual** 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~~ **an individual** residing in the applicant's household; ~~a person~~ **an individual** 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

1 authorized election official. A registered elector who is requested
 2 by the applicant to return his or her absent voter ballot
 3 application shall sign the certificate on the absent voter ballot
 4 application.

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

10 "Application for absent voter ballot for:

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

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

14 (Check applicable election or elections)

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

22 Send absent voter ballot to me at:

23

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

25

26 (Post Office) (State) (Zip Code)

27 My registered address

28 (Street No. or R.R. or Participant

29 Identification Number)

1
 2 (Post Office) (State) (Zip Code)

3 Date.....

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

7
 8 (Signature)

9 WARNING

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

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

24 Certificate of Authorized Registered
 25 Elector Returning Absent Voter
 26 Ballot Application

27 I certify that my name is , my address is
 28 , and my date of birth is ; that
 29 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~~ **an individual** residing in the voter's household may mail or deliver the application to the clerk for the

1 applicant.

2 (d) If an applicant cannot return the application in any of
3 the above methods, the applicant may select any registered elector
4 to return the application. The ~~person~~**individual** returning the
5 application must sign and return the certificate at the bottom of
6 the application.

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

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

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

25 Sec. 761. (1) If the clerk of a city or township receives an
26 application for an absent voter ballot from ~~a person~~**an individual**
27 registered to vote in that city or township and if the signature on
28 the application agrees with the signature for the ~~person~~**individual**
29 contained in the qualified voter file or on the registration card

1 as required in subsection (2), the clerk immediately upon receipt
2 of the application or, if the application is received before the
3 printing of the absent voter ballots, as soon as the ballots are
4 received by the clerk, shall forward by mail, postage prepaid, or
5 shall deliver personally 1 of the ballots or set of ballots if
6 there is more than 1 kind of ballot to be voted to the applicant.
7 If the clerk of a city or township receives an application for an
8 absent voter ballot from an applicant who is a program participant,
9 as that term is defined in **section 3 of the address confidentiality**
10 **program act, 2020 PA 301, MCL 780.853**, then the city or township
11 clerk shall mail an absent voter ballot to that program participant
12 at the designated address provided to that program participant by
13 the department of the attorney general under the address
14 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.
15 Subject to the identification requirement in subsection (6), absent
16 voter ballots may be delivered to an applicant in person at the
17 office of the clerk. **If the clerk of a city or township receives an**
18 **application for an absent voter ballot from an individual**
19 **registered to vote in that city or township and the signature on**
20 **the application does not agree with the signature for the**
21 **individual contained in the qualified voter file or on the master**
22 **card as required in subsection (2), the clerk of the city or**
23 **township may, not more than 3 business days after receiving the**
24 **absent voter ballot application, or not later than 8 p.m. on**
25 **election day, whichever is earlier, notify the elector of the**
26 **signature issue by telephone or email. If the clerk of the city or**
27 **township is not able to contact the elector by telephone or email,**
28 **or cannot resolve the signature issue, the city or township clerk**
29 **shall reject the absent voter ballot application and proceed as**

1 provided in section 766a(1). If the clerk of a city or township
2 receives an application for an absent voter ballot from an
3 individual registered to vote in that city or township and the
4 individual failed to sign the application, the clerk of the city or
5 township may, not more than 3 business days after receiving the
6 absent voter ballot application, or not later than 8 p.m. on
7 election day, whichever is earlier, notify the elector of the
8 signature issue by telephone or email. If the clerk of the city or
9 township is not able to contact the elector by telephone or email,
10 or cannot resolve the signature issue, the city or township clerk
11 shall reject the absent voter ballot application and proceed as
12 provided in section 766a(2).

13 (2) The qualified voter file must be used to determine the
14 genuineness of a signature on an application for an absent voter
15 ballot. Signature comparisons must be made with the digitized
16 signature in the qualified voter file. If the qualified voter file
17 does not contain a digitized signature of an elector, or is not
18 accessible to the clerk, the city or township clerk shall compare
19 the signature appearing on the application for an absent voter
20 ballot to the signature contained on the master card. ~~If before 8~~
21 ~~p.m. on the day before election day the clerk of a city or township~~
22 ~~rejects an absent voter ballot application because the signature on~~
23 ~~the absent voter ballot application does not agree sufficiently~~
24 ~~with the signature on the master card or the digitized signature~~
25 ~~contained in the qualified voter file so as to identify the elector~~
26 ~~or because the elector failed to sign the absent voter ballot~~
27 ~~application, the city or township clerk shall as soon as~~
28 ~~practicable, but in no event later than 48 hours after determining~~
29 ~~the signatures do not agree sufficiently or that the signature is~~

1 ~~missing, or by 8 p.m. on the day before election day, whichever~~
2 ~~occurs first, notify the elector of the rejection by mail,~~
3 ~~telephone, or electronic mail.~~

4 (3) Subject to the identification requirement in subsection
5 (6) and except as otherwise provided in this subsection, ~~a person~~
6 **an individual** may apply in person at the clerk's office before 8
7 p.m. on election day to vote as an absent voter. Except as
8 otherwise provided in ~~subsection (2),~~ **section 766a**, only an
9 individual who is not a registered elector, or an individual who is
10 not registered to vote in the city or township in which he or she
11 is registering to vote, and who registers to vote on election day
12 in person with the clerk of the city or township in which the
13 individual resides may apply for and complete an absent voter
14 ballot in person at the clerk's office on election day. Except as
15 otherwise provided in ~~subsection (2),~~ **section 766a**, the clerk of a
16 city or township shall not issue an absent voter ballot to a
17 registered elector in that city or township after 4 p.m. on the day
18 before the election. The applicant shall receive his or her absent
19 voter ballot and vote the ballot in the clerk's office. All other
20 absent voter ballots, except ballots delivered pursuant to an
21 emergency absent voter ballot application under section 759b, must
22 be mailed or delivered to the registration address of the applicant
23 unless the application requests delivery to an address outside the
24 city or township or to a hospital or similar institution, in which
25 case the absent voter ballots must be mailed or delivered to the
26 address given in the application. However, a clerk may mail or
27 deliver an absent voter ballot, upon request of the absent voter,
28 to a post office box if the post office box is where the absent
29 voter normally receives personal mail and the absent voter does not

1 receive mail at his or her registration address.

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

12 TO BE COMPLETED

13 BY THE CLERK

14	_____	_____
15	Name of Voter	Street Address or R.R. or
16		Program Participant
17		Identification Number
18	_____	_____
19	City or Township	County
20	Ward _____	Precinct _____ Date of Election _____
21	=====	

22 TO BE COMPLETED BY THE ABSENT VOTER

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

29 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~~ **an individual** 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.

=====

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

BY ANOTHER ~~PERSON~~ **INDIVIDUAL**

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~~ **individual**.

Signature of

~~Person~~ **Individual**

Street Address

City or Township

Assisting Voter

or R.R.

Printed Name of ~~Person~~ **Individual** Assisting Voter

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

=====

WARNING

~~PERSONS~~ **INDIVIDUALS** WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE

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

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

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

1 absent voter ballot in person from the clerk. However, if an
2 elector obtains his or her absent voter ballot in person from the
3 clerk and votes by absent voter ballot without providing
4 identification for election purposes required under this
5 subsection, the absent voter ballot of that elector must be
6 prepared as a challenged ballot as provided in section 727 and must
7 be counted as any other ballot is counted unless determined
8 otherwise by a court of law under section 747 or 748 or any other
9 applicable law.

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

21 (a) The election day precinct returns.

22 (b) The corresponding absent voter counting board returns.

23 (c) A total of each election day precinct return and each
24 corresponding absent voter counting board return.

25 (2) Subject to section 764d, the board of election
26 commissioners shall establish the absent voter counting boards.
27 Subject to section 764d, the board of election commissioners shall
28 appoint the election inspectors to those absent voter counting
29 boards not less than 21 days or more than 40 days before the

1 election at which they are to be used. Sections 673a and 674 apply
2 to the appointment of election inspectors to absent voter counting
3 boards under this section. The board of election commissioners
4 shall determine the number of ballots that may be expeditiously
5 counted by an absent voter counting board in a reasonable period of
6 time, taking into consideration the size and complexity of the
7 ballot to be counted pursuant to the guidelines of the secretary of
8 state. Combined ballots must be regarded as the number of ballots
9 as there are sections to the ballot.

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

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

1 to paper ballot precincts, including laws relating to the
2 appointment of election inspectors, apply to absent voter counting
3 places. The provisions of this section relating to placing of
4 absent voter ballots on electronic voting systems apply. More than
5 1 absent voter counting board may be located in 1 building.

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

12 (6) Subject to section 764d, absent voter ballots received by
13 the clerk before election day must be delivered to the absent voter
14 counting board by the clerk or the clerk's authorized assistant at
15 the time the election inspectors of the absent voter counting
16 boards report for duty, which time must be established by the board
17 of election commissioners. Except as otherwise provided in section
18 764d, absent voter ballots received by the clerk before the time
19 set for the closing of the polls on election day must be delivered
20 to the absent voter counting boards. Except as otherwise provided
21 in 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 766
6 ~~, or 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 **clerk may, not more than 48 hours after the close of the polls on**
9 **election day, notify the elector of the signature issue by**
10 **telephone or email. If the clerk of the city or township is not**
11 **able to contact the elector by telephone or email, or cannot**
12 **resolve the signature issue, the city or township clerk shall**
13 **reject the absent voter ballot return envelope and proceed as**
14 **provided in section 766b. If** the statement of the absent voter is
15 not properly executed, the clerk shall mark the envelope "rejected"
16 and the reason for the rejection and shall place his or her name
17 under the notation. An envelope marked "rejected" must not be
18 delivered to the absent voter counting board or combined absent
19 voter counting board but must be preserved by the clerk until other
20 ballots are destroyed in the manner provided in this act. ~~If before~~
21 ~~8 p.m. on the day before election day the clerk of a city or~~
22 ~~township rejects an absent voter ballot return envelope because the~~
23 ~~signature on the absent voter ballot return envelope does not agree~~
24 ~~sufficiently with the signature on the master card or the digitized~~
25 ~~signature contained in the qualified voter file so as to identify~~
26 ~~the elector or because the elector failed to sign the absent voter~~
27 ~~ballot return envelope, the city or township clerk shall as soon as~~
28 ~~practicable, but in no event later than 48 hours after determining~~
29 ~~the signatures do not agree sufficiently or that the signature is~~

1 ~~missing, or by 8 p.m. on the day before election day, whichever~~
2 ~~occurs first, notify the elector of the rejection by mail,~~
3 ~~telephone, or electronic mail.~~ The clerk shall also comply with
4 section 765(5).

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

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

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

28 "I (name of ~~person~~ **individual** taking oath) do solemnly swear
29 (or affirm) that I shall not communicate in any way any information

1 relative to the processing or tallying of votes that may come to me
2 while in this counting place until after the polls are closed.".

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

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

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

1 legally closed on election day is guilty of a felony. As used in
2 this subsection, "local election official" means a county, city, or
3 township clerk.

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

19 Sec. 766. (1) Upon receipt from the city or township clerk of
20 any envelope containing the marked ballot or ballots of an absent
21 voter, the board of **election** inspectors ~~of election~~ shall verify
22 the legality of the vote by doing both of the following:

23 (a) Examining the digitized signature for the absent voter
24 included in the qualified voter file under section 509q or the
25 registration record as provided in subsection (2) to see that the
26 ~~person~~**individual** has not voted in person, that he or she is a
27 registered voter, and, **subject to subsection (3)**, that the
28 signature on the statement agrees with the signature on the
29 registration record.

1 (b) Examining the statement of the voter to see that it is
2 properly executed.

3 (2) The qualified voter file must be used to determine the
4 genuineness of a signature on an envelope containing an absent
5 voter ballot. Signature comparisons must be made with the digitized
6 signature in the qualified voter file. If the qualified voter file
7 does not contain a digitized signature of an elector, or is not
8 accessible to the clerk, the city or township clerk shall compare
9 the signature appearing on an envelope containing an absent voter
10 ballot to the signature contained on the master card.

11 (3) If the board of election inspectors determines that the
12 signature on the statement does not agree with the signature on the
13 registration record, the board of election inspectors shall notify
14 the clerk of the city or township that the signatures do not agree
15 and the clerk of the city or township shall proceed as provided in
16 section 766b.

17 Sec. 766a. (1) If the clerk of a city or township rejects an
18 absent voter ballot application because the signature on the absent
19 voter ballot application does not agree with the signature on the
20 master card or the digitized signature contained in the qualified
21 voter file so as to identify the elector, the city or township
22 clerk shall not more than 3 business days after receiving the
23 absent voter ballot application, or not later than 8 p.m. on
24 election day, whichever is earlier, notify the elector of the
25 rejection by telephone and email. If an elector's email address is
26 not available, the city or township clerk must notify the elector
27 by telephone and first-class mail. An elector who is notified of a
28 rejection by a clerk under this subsection may, subject to the
29 identification requirement in section 761(6), appear in person at

1 the clerk's office before 8 p.m. on election day to verify his or
2 her signature and obtain his or her absent voter ballot. In
3 addition, an elector who is notified of a rejection by a clerk
4 under this subsection may, not later than 5 p.m. on the Friday
5 immediately before the election, verify his or her signature by
6 delivering by mail, facsimile, or email to the city or township
7 clerk a signature verification form, as prescribed by the secretary
8 of state, that is signed by the elector.

9 (2) If the clerk of a city or township rejects an absent voter
10 ballot application because the elector failed to sign the absent
11 voter ballot application, the city or township clerk shall not more
12 than 3 business days after receiving the absent voter ballot
13 application, or not later than 8 p.m. on election day, whichever is
14 earlier, notify the elector of the rejection by telephone and
15 email. If an elector's email address is not available, the city or
16 township clerk must notify the elector by telephone and first-class
17 mail. An elector who is notified of a rejection by a clerk under
18 this subsection may, subject to the identification requirement in
19 section 761(6), appear in person at the clerk's office before 8
20 p.m. on election day to sign his or her absent voter ballot
21 application and obtain his or her absent voter ballot. In addition,
22 an elector who is notified of a rejection by a clerk under this
23 subsection may, not later than 5 p.m. on the Friday immediately
24 before the election, verify his or her signature by delivering by
25 mail, facsimile, or email to the city or township clerk a signature
26 verification form, as prescribed by the secretary of state, that is
27 signed by the elector.

28 Sec. 766b. (1) If the clerk of a city or township or the board
29 of election inspectors rejects an absent voter ballot return

envelope because the signature on the absent voter ballot return envelope does not agree with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector, the return envelope must not be opened and the city or township clerk shall as soon as practicable, but not more than 48 hours after the close of the polls on election day, notify the elector of the rejection by telephone and email. If an elector's email address is not available, the city or township clerk must notify the elector by telephone and first-class mail. An elector who is notified of a rejection by a city or township clerk under this subsection may, not more than 72 hours after the close of the polls on election day, verify his or her signature by delivering in person, by mail, by facsimile, or by email to the city or township clerk a signature verification statement signed by the elector. If an elector who is notified of a rejection under this subsection fails to verify his or her signature as provided in this section, the absent voter ballot for that elector must not be counted.

(2) The signature verification statement, and the notice and instructions for that statement, must be in substantially the following form:

SIGNATURE VERIFICATION STATEMENT

I, _____, am a registered voter of _____ county, _____ city or township, State of Michigan.

I declare under penalty of perjury that I requested and returned an absent voter ballot return envelope. I am a resident of the precinct in which I have voted, and I am the individual whose name appears on the absent voter ballot return envelope. I

1 understand that if I commit or attempt any fraud in connection with
 2 voting, or if I aid or abet fraud or attempt to aid or abet fraud
 3 in connection with voting, I may be convicted of a felony. I
 4 understand that my failure to sign this statement means that my
 5 absent voter ballot will not be counted.

6 Voter's Signature: _____

7 Voter's Address: _____

8 NOTICE AND INSTRUCTIONS

9 READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE
 10 INSTRUCTIONS MAY CAUSE YOUR ABSENT VOTER BALLOT TO NOT BE
 11 COUNTED.

12 1. We have determined that the signature you provided on your
 13 absent voter ballot return envelope does not agree with the
 14 signature on file in your voter record. In order to ensure that
 15 your absent voter ballot will be counted, the signature
 16 verification statement must be completed and returned as soon as
 17 possible.

18 2. The signature verification statement must be received by
 19 the city or township clerk of the city or township where you are
 20 registered to vote not more than 72 hours after the close of the
 21 polls on election day (Deadline Date: _____).

22 3. You must sign your name where specified on the signature
 23 verification statement (Voter's Signature).

24 4. Place the signature verification statement into a mailing
 25 envelope addressed to your city or township clerk. Mail, deliver,
 26 or have the completed statement delivered to the city or township
 27 clerk. Be sure there is sufficient postage if mailed and that the
 28 address of the city or township clerk is correct.

29 5. If you do not wish to send the signature verification

1 statement by mail or have it delivered, you may submit your
2 completed statement by email or facsimile transmission to your city
3 or township clerk using the information provided.

4 (3) Upon receiving a signature verification statement signed
5 by an elector, the city or township clerk shall compare the
6 signature on the statement with the signature on the master card or
7 the digitized signature contained in the qualified voter file for
8 that elector. If the city or township clerk determines that the
9 signatures agree, the absent voter ballot of that elector must be
10 counted. Except as otherwise provided in this subsection, if the
11 city or township clerk determines that the signatures do not agree,
12 the return envelope for that absent voter must not be opened and
13 the absent voter ballot of that elector must not be counted. The
14 city or township clerk shall write the cause of the rejection on
15 the face of an absent voter ballot return envelope that is
16 rejected. If an elector returns his or her signature verification
17 statement in person to the city or township clerk and the elector
18 presents identification for election purposes to the city or
19 township clerk, the absent voter ballot of that elector must be
20 counted even if the signatures do not agree.

21 (4) If the clerk of a city or township rejects an absent voter
22 ballot return envelope because the elector failed to sign the
23 absent voter ballot return envelope, the return envelope must not
24 be opened and the city or township clerk shall as soon as
25 practicable, but not more than 48 hours after the close of the
26 polls on election day, notify the elector of the rejection by
27 telephone and email. If an elector's email address is not
28 available, the city or township clerk must notify the elector by
29 telephone and first-class mail. An elector who is notified of a

rejection by a city or township clerk under this subsection may, not more than 72 hours after the close of the polls on election day, complete and submit by delivering in person, by mail, by facsimile, or by email to the city or township clerk an unsigned ballot statement signed by the elector. If an elector who is notified of a rejection under this subsection fails to submit a signed statement as provided in this subsection, the absent voter ballot for that elector must not be counted.

(5) The unsigned ballot statement, and the notice and instructions for that statement, must be in substantially the following form:

UNSIGNED BALLOT STATEMENT

I, _____, am a registered voter of _____ county, _____ city or township, State of Michigan.

I declare under penalty of perjury that I requested and returned an absent voter ballot return envelope and that I have not and will not vote more than 1 ballot in this election. I am a resident of the precinct in which I have voted, and I am the individual whose name appears on the absent voter ballot return envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony. I understand that my failure to sign this statement means that my absent voter ballot will not be counted.

Voter's Signature: _____

Voter's Address: _____

NOTICE AND INSTRUCTIONS

1 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
2 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
3 ABSENT VOTER BALLOT TO NOT BE COUNTED.

4 1. In order to ensure that your absent voter ballot will be
5 counted, the unsigned ballot statement must be completed and
6 returned as soon as possible so that it can reach the city or
7 township clerk of the city or township in which you are registered
8 to vote not more than 72 hours after the close of the polls on
9 election day (Deadline Date: _____).

10 2. You must sign your name where specified on the unsigned
11 ballot statement (Voter's Signature).

12 3. Place the unsigned ballot statement into a mailing envelope
13 addressed to your city or township clerk. Mail, deliver, or have
14 the completed statement delivered to the city or township clerk. Be
15 sure there is sufficient postage if mailed and that the address of
16 the city or township clerk is correct.

17 4. If you do not wish to send the unsigned ballot statement by
18 mail or have it delivered, you may submit your completed statement
19 by email or facsimile transmission to your city or township clerk
20 using the information provided.

21 (6) Upon receiving an unsigned ballot statement signed by an
22 elector, the city or township clerk shall compare the signature on
23 the statement with the signature on the master card or the
24 digitized signature contained in the qualified voter file for that
25 elector. If the city or township clerk determines that the
26 signatures agree, the absent voter ballot of that elector must be
27 counted. Except as otherwise provided in this subsection, if the
28 city or township clerk determines that the signatures do not agree,
29 the return envelope for that absent voter must not be opened and

1 the absent voter ballot of that elector must not be counted. The
 2 city or township clerk shall write the cause of the rejection on
 3 the face of an absent voter ballot return envelope that is
 4 rejected. If an elector returns his or her unsigned ballot
 5 statement in person to the city or township clerk and the elector
 6 presents identification for election purposes to the city or
 7 township clerk, the absent voter ballot of that elector must be
 8 counted even if the signatures do not agree.

9 (7) The clerk of each city or township shall include the
 10 signature verification statement and unsigned ballot statement on
 11 the city or township website. The portion of the city or township
 12 website containing the signature verification statement and
 13 unsigned ballot statement must include the city or township clerk's
 14 mailing address, email address, and facsimile transmission number.

15 Sec. 767. If upon ~~an examination of~~ **examining** the envelope
 16 containing an absent voter's ballot or ballots ~~, it is determined~~
 17 ~~that the signature on the envelope does not agree sufficiently with~~
 18 ~~the signature on the registration card or the digitized signature~~
 19 ~~contained in the qualified voter file as provided under section 766~~
 20 ~~so as to identify the voter or if the board shall have~~ **has**
 21 knowledge that the ~~person~~ **individual** voting the ballot or ballots
 22 has died, or if it is determined by a majority of the board that
 23 ~~such~~ **the** vote is illegal for any other reason, then ~~such~~ **the** vote
 24 ~~shall~~ **must** be rejected, and ~~thereupon~~ some member of the board
 25 shall, without opening the envelope, mark across the face of ~~such~~
 26 **the** envelope, "rejected as illegal", and the reason ~~therefor.~~ **for**
 27 **the rejection.** The statement ~~shall~~ **must** be initialed by the
 28 ~~chairman~~ **chairperson** of the board of election inspectors. ~~Said~~ **The**
 29 envelope and the **absent voter** ballot or ballots contained ~~therein~~

1 ~~shall~~**in the envelope must** be returned to the city ~~, or~~ township ~~or~~
2 ~~village~~ clerk and retained and preserved in the manner now provided
3 by law for the retention and preservation of official ballots voted
4 at ~~such~~**an** election.