

# SENATE BILL NO. 285

March 24, 2021, Introduced by Senators THEIS, LASATA, HORN, STAMAS, ZORN, BIZON, BARRETT, VICTORY, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Elections.

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.

**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

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

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

1 of a city or township shall not issue an absent voter ballot to a  
2 registered elector in that city or township after 4 p.m. on the day  
3 before the election. An individual may submit a voter registration  
4 application and an absent voter ballot application at the same time  
5 if applying in person with the clerk or deputy clerk of the city or  
6 township in which the individual resides. Immediately after his or  
7 her voter registration application and absent voter ballot  
8 application are approved by the clerk, the individual may, subject  
9 to the identification requirement in section 761(6), complete an  
10 absent voter ballot at the clerk's office.

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

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

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

16 (c) On a federal postcard application.

17 (4) An applicant for an absent voter ballot ~~shall~~**must** sign  
18 the application. **In addition, an applicant for an absent voter**  
19 **ballot must either present an original or a copy of identification**  
20 **for election purposes to the clerk of the city or township in which**  
21 **the elector is registered or attach a copy of identification for**  
22 **election purposes to his or her application.** Subject to section  
23 761(2), a clerk or assistant clerk shall not deliver an absent  
24 voter ballot to an applicant who does not sign the application. ~~A~~  
25 ~~person~~**If an applicant does not present or attach identification**  
26 **for election purposes as provided in this subsection, the clerk or**  
27 **assistant clerk must issue the applicant a provisional absent voter**  
28 **ballot that is processed according to section 523a(5). An**  
29 **individual** shall not be in possession of a signed absent voter

1 ballot application except for the applicant; a member of the  
 2 applicant's immediate family; ~~a person~~ **an individual** residing in  
 3 the applicant's household; ~~a person~~ **an individual** whose job  
 4 normally includes the handling of mail, but only during the course  
 5 of his or her employment; a registered elector requested by the  
 6 applicant to return the application; or a clerk, assistant of the  
 7 clerk, or other authorized election official. A registered elector  
 8 who is requested by the applicant to return his or her absent voter  
 9 ballot application shall sign the certificate on the absent voter  
 10 ballot application.

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

16 "Application for absent voter ballot for:

17 [ ] The primary or special primary election to be held on  
 18 \_\_\_\_\_ (Date).

19 [ ] The election to be held on \_\_\_\_\_ (Date).

20 (Check applicable election or elections)

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

28 Send absent voter ballot to me at:  
 29 .....

1 (Street No. or R.R. or Designated Address)  
 2 .....  
 3 (Post Office) (State) (Zip Code)  
 4 My registered address .....  
 5 (Street No. or R.R. or Participant  
 6 Identification Number)  
 7 .....  
 8 (Post Office) (State) (Zip Code)  
 9 Date.....  
 10 I certify that I am a United States citizen and that  
 11 the statements in this absent voter ballot application  
 12 are true.  
 13 .....  
 14 (Signature)

WARNING

16 You must be a United States citizen to vote. If you are not a  
 17 United States citizen, you will not be issued an absent voter  
 18 ballot.  
 19 A person making a false statement in this absent voter ballot  
 20 application is guilty of a misdemeanor. It is a violation of  
 21 Michigan election law for a person other than those listed in the  
 22 instructions to return, offer to return, agree to return, or  
 23 solicit to return your absent voter ballot application to the  
 24 clerk. An assistant authorized by the clerk who receives absent  
 25 voter ballot applications at a location other than the clerk's  
 26 office must have credentials signed by the clerk. Ask to see his or  
 27 her credentials before entrusting your application with a person  
 28 claiming to have the clerk's authorization to return your  
 29 application.

Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application

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

\_\_\_\_\_  
(Date) (Signature)"

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and  
date the application in the place designated. Your signature must  
appear on the application or you may not receive an absent voter  
ballot. **In addition, you must either present an original or a copy  
of identification for election purposes to the clerk of the city or  
township in which you are registered or attach a copy of  
identification for election purposes to the application. If you do  
not present or attach identification for election purposes, you  
will be issued a provisional absent voter ballot that is subject to  
verification and will not be tabulated on election day.**

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

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

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

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

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

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

23 (8) ~~A person~~ **An individual** who makes a false statement in an  
24 absent voter ballot application is guilty of a misdemeanor. ~~A~~  
25 ~~person~~ **An individual** who forges a signature on an absent voter  
26 ballot application is guilty of a felony. ~~A person~~ **An individual**  
27 who is not authorized in this act and who both distributes absent  
28 voter ballot applications to absent voters and returns those absent  
29 voter ballot applications to a clerk or assistant of the clerk is

1 guilty of a misdemeanor.

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

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

14 (2) Upon the request of an absent uniformed services voter or  
15 an overseas voter, the clerk of a county, city, township, or  
16 village shall electronically transmit a blank voter registration  
17 application or blank absent voter ballot application to the voter.  
18 The clerk of a county, city, township, or village shall accept a  
19 completed voter registration application or completed absent voter  
20 ballot application electronically transmitted by an absent  
21 uniformed services voter or overseas voter. A voter registration  
22 application or absent voter ballot application submitted by an  
23 absent uniformed services voter or overseas voter ~~shall~~**must**  
24 contain the signature of the voter. **In addition, an applicant for**  
25 **an absent voter ballot must attach a copy of identification for**  
26 **election purposes to his or her application. If an applicant**  
27 **transmits his or her completed absent voter ballot application**  
28 **electronically, a copy of his or her identification for election**  
29 **purposes may also be transmitted electronically.**



1           (3) A spouse or dependent of an overseas voter who is a  
2 citizen of the United States, is accompanying that overseas voter,  
3 and is not a qualified and registered elector anywhere else in the  
4 United States, may apply for an absent voter ballot even though the  
5 spouse or dependent is not a qualified elector of a city or  
6 township of this state.

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

1 of this act, the absent voter ballots shall be delivered to the  
2 proper election board to be tabulated. If the registration does not  
3 comply with the requirements of this act, the clerk shall retain  
4 the absent voter ballots until the expiration of the time that the  
5 voted ballots must be kept and shall then destroy the ballots  
6 without opening the envelope. The clerk may retain registration  
7 forms completed under this section in a separate file. The address  
8 in this state shown on a registration form is the residence of the  
9 registrant.

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

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

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

1 absent voter ballot returned by an absent uniformed services voter  
2 or overseas voter who obtained his or her absent voter ballot  
3 through an electronic transmission.

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

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

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

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

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

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

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

1 state bureau of elections shall do both of the following:

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

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

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

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

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

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

1 absentee voter ballots are executed and sent by the close of the  
2 polls on election day. The election may be formally certified  
3 before the end of the extension time if the number of outstanding  
4 absentee voter ballots under this subsection will not alter the  
5 outcome of the election.

6 (17) As used in this section:

7 (a) "Absent uniformed services voter" means any of the  
8 following:

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

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

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

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

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

27 (ii) Enrolled with the United States for employment or training  
28 for employment, or maintained by the United States for emergency  
29 relief service, as an officer or crew member of a vessel documented

1 under the laws of the United States, a vessel owned by the United  
 2 States, or a vessel of foreign-flag registry under charter to or  
 3 control of the United States.

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

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

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

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

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

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



1 by the statutory deadline. The application ~~shall~~**must** be called an  
2 emergency absent voter application.

3 ~~(2) Emergency~~**An emergency** absent voter applications  
4 **application** may be made by letter or on a form provided by the  
5 clerk. The application ~~shall~~**must** set forth that the ~~voter~~**elector**  
6 is qualified to vote in the election, stating the statutory reason  
7 for applying for an emergency absent voter ballot and that the  
8 reason for applying after the statutory deadline occurred at such a  
9 time to make it impossible to file an application for **an** absent  
10 voter ~~ballots~~**ballot** by the statutory deadline. **An applicant for an**  
11 **emergency absent voter ballot must either present an original or a**  
12 **copy of identification for election purposes to the clerk of the**  
13 **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 ~~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 **present or attach identification for election purposes as provided**  
28 **in subsection (2), the clerk, deputy clerk, or election assistant**  
29 **must issue the applicant a provisional absent voter ballot that is**

1 **processed according to section 523a(5)**. The voter may return the  
 2 ~~ballots~~ **ballot** to the clerk in the sealed envelope provided  
 3 ~~therefor~~ in any manner he **or she** sees fit. To be valid, ~~ballots~~ **a**  
 4 **ballot** must be returned to the clerk in time to be delivered to the  
 5 polls ~~prior to~~ **before** 8 p.m. on election day.

6       Sec. 761. (1) ~~If~~ **Subject to this subsection, if** the clerk of a  
 7 city or township receives an application for an absent voter ballot  
 8 from ~~a person~~ **an individual** registered to vote in that city or  
 9 township and if the signature on the application agrees with the  
 10 signature for the ~~person~~ **individual** contained in the qualified  
 11 voter file or on the registration card as required in subsection  
 12 (2), the clerk immediately upon receipt of the application or, if  
 13 the application is received before the printing of the absent voter  
 14 ballots, as soon as the ballots are received by the clerk, shall  
 15 forward by mail, postage prepaid, or shall deliver personally 1 of  
 16 the ballots or set of ballots if there is more than 1 kind of  
 17 ballot to be voted to the applicant. If the clerk of a city or  
 18 township receives an application for an absent voter ballot from an  
 19 applicant who is a program participant, as that term is defined in  
 20 **section 3 of** the address confidentiality program act, **2020 PA 301,**  
 21 **MCL 780.853,** then the city or township clerk shall mail an absent  
 22 voter ballot to that program participant at the designated address  
 23 provided to that program participant by the department of the  
 24 attorney general under the address confidentiality program act,  
 25 **2020 PA 301, MCL 780.851 to 780.873. If an applicant does not**  
 26 **present or attach identification for election purposes as provided**  
 27 **in section 759(4), the clerk must issue the applicant a provisional**  
 28 **absent voter ballot that is processed according to section 523a(5).**  
 29 Subject to the identification requirement in subsection (6), absent

1 voter ballots may be delivered to an applicant in person at the  
2 office of the clerk.

3 (2) The qualified voter file must be used to determine the  
4 genuineness of a signature on an application for an absent voter  
5 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 the application for an absent voter  
10 ballot to the signature contained on the master card. If before 8  
11 p.m. on the day before election day the clerk of a city or township  
12 rejects an absent voter ballot application because the signature on  
13 the absent voter ballot application does not agree sufficiently  
14 with the signature on the master card or the digitized signature  
15 contained in the qualified voter file so as to identify the elector  
16 or because the elector failed to sign the absent voter ballot  
17 application, the city or township clerk shall as soon as  
18 practicable, but in no event later than 48 hours after determining  
19 the signatures do not agree sufficiently or that the signature is  
20 missing, or by 8 p.m. on the day before election day, whichever  
21 occurs first, notify the elector of the rejection by mail,  
22 telephone, or ~~electronic mail.~~**email.**

23 (3) Subject to the identification requirement in subsection  
24 (6) and except as otherwise provided in this subsection, ~~a person~~  
25 **an individual** may apply in person at the clerk's office before 8  
26 p.m. on election day to vote as an absent voter. Except as  
27 otherwise provided in subsection (2), only an individual who is not  
28 a registered elector, or an individual who is not registered to  
29 vote in the city or township in which he or she is registering to

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

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

1 printed statement in substantially the following form:

2 TO BE COMPLETED

3 BY THE CLERK

4 \_\_\_\_\_

5 Name of Voter Street Address or R.R. or

6 Program Participant

7 Identification Number

8 \_\_\_\_\_

9 City or Township County

10 Ward \_\_\_\_\_ Precinct \_\_\_\_\_ Date of Election \_\_\_\_\_

11 =====

12 TO BE COMPLETED BY THE ABSENT VOTER

13 I assert that I am a United States citizen and a qualified and

14 registered elector of the city or township named above. I am voting

15 as an absent voter in conformity with state election law. Unless

16 otherwise indicated below, I personally marked the ballot enclosed

17 in this envelope without exhibiting it to any other person.

18 I further assert that this absent voter ballot is being

19 returned to the clerk or an assistant of the clerk by me

20 personally; by public postal service, express mail service, parcel

21 post service, or other common carrier; by a member of my immediate

22 family; or by a person residing in my household.

23 DATE: \_\_\_\_\_ SIGN HERE: X \_\_\_\_\_

24 Signature of Absent Voter

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

26 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS

27 GUILTY OF A MISDEMEANOR.

28 =====

29 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

1 BY ANOTHER PERSON

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

7	_____	_____	_____
8	Signature of Person	Street Address	City or Township
9	Assisting Voter	or R.R.	

10 \_\_\_\_\_  
11 Printed Name of Person Assisting Voter

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

14 =====

15 WARNING

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

28 (5) An absent voter who knowingly makes a false statement on  
29 the absent voter ballot return envelope is guilty of a misdemeanor.

1 ~~A person~~ **An individual** who assists an absent voter and who  
 2 knowingly makes a false statement on the absent voter ballot return  
 3 envelope is guilty of a felony.

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