

SENATE BILL NO. 470

September 07, 2023, Introduced by Senator WOJNO and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 2023 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) An absent uniformed services voter or an
2 overseas voter who is not registered, but possessed the
3 qualifications of an elector under section 492, may apply for
4 registration by using the federal postcard application. The
5 department of state, bureau of elections, is responsible for

1 disseminating information on the procedures for registering and
2 voting to an absent uniformed services voter and an overseas voter.

3 (2) Upon the request of an absent uniformed services voter or
4 an overseas voter, the clerk of a county, city, or township shall
5 electronically transmit a blank voter registration application or
6 blank absent voter ballot application to the voter. The clerk of a
7 county, city, or township shall accept a completed voter
8 registration application or completed absent voter ballot
9 application electronically transmitted by an absent uniformed
10 services voter or overseas voter. A voter registration application
11 or absent voter ballot application submitted by an absent uniformed
12 services voter or overseas voter must contain the signature of the
13 voter.

14 (3) A spouse or dependent of an overseas voter who is a
15 citizen of the United States, is accompanying that overseas voter,
16 and is not a qualified and registered elector anywhere else in the
17 United States, may apply for an absent voter ballot even though the
18 spouse or dependent is not a qualified elector of a city or
19 township of this state.

20 (4) An absent uniformed services voter or an overseas voter,
21 whether or not registered to vote, may apply for an absent voter
22 ballot. Upon receipt of an application for an absent voter ballot
23 under this section that complies with this act, a county, city, or
24 township clerk shall forward to the applicant the absent voter
25 ballots requested, the forms necessary for registration, and
26 instructions for completing the forms. If the ballots are not yet
27 available at the time of receipt of the application, the clerk
28 shall immediately forward to the applicant the registration forms
29 and instructions, and forward the ballots as soon as they are

1 available. If a federal postcard application or an application from
 2 the official United States Department of Defense website is filed,
 3 the clerk shall accept the federal postcard application or the
 4 application from the official United States Department of Defense
 5 website as the registration application and shall not send any
 6 additional registration forms to the applicant. Subject to
 7 subsection (18), if the ballots and registration forms are received
 8 before the close of the polls on election day and if the
 9 registration complies with the requirements of this act, the absent
 10 voter ballots must be delivered to the proper election board to be
 11 tabulated. If the registration does not comply with the
 12 requirements of this act, the clerk shall retain the absent voter
 13 ballots until the expiration of the time that the voted ballots
 14 must be kept and shall then destroy the ballots without opening the
 15 envelope. The clerk may retain registration forms completed under
 16 this section in a separate file. The address in this state shown on
 17 a registration form is the residence of the registrant.

18 (5) Not later than 45 days before an election, a county, city,
 19 or township clerk shall electronically transmit or mail as
 20 appropriate an absent voter ballot to each absent uniformed
 21 services voter or overseas voter who applied for an absent voter
 22 ballot 45 days or more before the election.

23 (6) Upon the request of an absent uniformed services voter or
 24 overseas voter, the clerk of a county, city, or township shall
 25 electronically transmit an absent voter ballot to the voter. Except
 26 as otherwise provided in this subsection, the voter shall print the
 27 absent voter ballot and return the voted ballot by mail to the
 28 appropriate clerk. Subject to subsection (17), beginning ~~January 1,~~
 29 ~~2024,~~ **September 1, 2025**, a member of a uniformed service on active

1 duty, by reason of being on active duty, or a member of the
2 merchant marine, by reason of service in the merchant marine, who
3 is absent from the United States and does not expect to return to
4 the residence where the member is otherwise qualified to vote
5 before an election may electronically return a voted ballot to the
6 appropriate city or township clerk to be counted under the rules
7 promulgated by the secretary of state as set forth in subsection
8 (17).

9 (7) The secretary of state shall prescribe electronic absent
10 voter ballot formats and electronic absent voter ballot
11 transmission methods. Each county, city, or township clerk shall
12 employ the prescribed electronic ballot formats to fulfill an
13 absent voter ballot request received from an absent uniformed
14 services voter or overseas voter who wishes to receive an absent
15 voter ballot through an electronic transmission. The secretary of
16 state shall establish procedures to implement the requirements in
17 this section and for the processing of a marked absent voter ballot
18 returned by an absent uniformed services voter or overseas voter
19 who obtained an absent voter ballot through an electronic
20 transmission.

21 (8) The secretary of state shall modify the printed statement
22 provided under section 761(4) and the absent voter ballot
23 instructions provided under section 764a as appropriate to
24 accommodate the procedures developed for electronically
25 transmitting an absent voter ballot to an absent uniformed services
26 voter or overseas voter. A statement must be included in the
27 certificate signed by the absent voter who obtained an absent voter
28 ballot through an electronic transmission that the secrecy of the
29 absent voter ballot may be compromised during the duplication

1 process. The absent voter ballot instructions provided to an absent
2 uniformed services voter or overseas voter must include the proper
3 procedures for returning the absent voter ballot to the appropriate
4 clerk.

5 (9) The size of a precinct must not be determined by
6 registration forms completed under this section.

7 (10) An absent uniformed services voter or an overseas voter
8 who submits an absent voter ballot application is eligible to vote
9 as an absent voter in any local, state, or federal election
10 occurring in the calendar year in which the election is held for
11 that ballot requested if the absent voter ballot application is
12 received by the county, city, or township clerk not later than 2
13 p.m. of the Saturday before the election. A village clerk receiving
14 an absent voter ballot application from an absent uniformed
15 services voter or overseas voter shall transmit to the township
16 clerk and the school district election coordinators, where
17 applicable, the necessary information to enable the city or
18 township clerk and school district election coordinators to forward
19 an absent voter ballot for each applicable election in that
20 calendar year to the absent voter. If the local elections official
21 rejects a voter registration application or absent voter ballot
22 application submitted by an absent uniformed services voter or
23 overseas voter, the election official shall notify the voter of the
24 rejection.

25 (11) An email address provided by an absent uniformed services
26 voter or overseas voter for the purposes of this section is
27 confidential and exempt from disclosure under the freedom of
28 information act, 1976 PA 442, MCL 15.231 to 15.246.

29 (12) Under the uniformed and overseas citizens absentee voting

1 act, the state director of elections shall approve a ballot form
2 and registration procedures for absent uniformed services voters
3 and overseas voters.

4 (13) An absent uniformed services voter or an overseas voter
5 may use the federal write-in absentee ballot, in accordance with
6 the provisions of the uniformed and overseas citizens absentee
7 voting act, at a regular election or special election to vote for a
8 local, state, or federal office or on a ballot question. Except as
9 otherwise provided in this subsection, an absent uniformed services
10 voter or an overseas voter who uses the federal write-in absentee
11 ballot shall return the voter's voted federal write-in absentee
12 ballot by mail to the appropriate clerk. Subject to subsection
13 (17), beginning ~~January 1, 2024,~~ **September 1, 2025**, a member of a
14 uniformed service on active duty, by reason of being on active
15 duty, or a member of the merchant marine, by reason of service in
16 the merchant marine, who is absent from the United States and does
17 not expect to return to the residence where the member is otherwise
18 qualified to vote before an election may electronically return a
19 voted ballot to the appropriate city or township clerk to be
20 counted under the rules promulgated by the secretary of state as
21 set forth in subsection (17). The state bureau of elections shall
22 do both of the following:

23 (a) Make the ballot format for each election available to
24 absent uniformed services voters and overseas voters by email or on
25 an internet website maintained by the department of state.

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

1 (14) The clerk of a city or township shall submit to the
2 county clerk of the county in which that city or township is
3 located a written statement no later than 45 days before each
4 election indicating whether absent voter ballots were issued to
5 absent uniformed services voters or overseas voters in compliance
6 with this section and the uniformed and overseas citizens absentee
7 voting act. The city or township clerk shall provide to the county
8 clerk a written explanation describing remedial actions taken by
9 the city or township clerk if the city or township clerk fails to
10 comply with this section and the uniformed and overseas citizens
11 absentee voting act. Not later than 42 days before each election,
12 each county clerk shall submit to the state bureau of elections a
13 written report compiled from the written statements submitted by
14 the city and township clerks. The written report must identify the
15 cities and townships that complied with the 45-day deadline under
16 this subsection, the cities and townships that did not comply with
17 the 45-day deadline under this subsection, but provided a written
18 explanation, and those cities and townships that did not comply
19 with the 45-day deadline under this subsection and that did not
20 provide a written explanation. The state bureau of elections may
21 require the clerk of a city or township that did not comply with
22 the 45-day deadline under this subsection, but provided a written
23 explanation, to provide additional information. The state bureau of
24 elections shall require the clerk of a city or township that did
25 not comply with the 45-day deadline and that did not provide a
26 written explanation to file a written explanation, describing the
27 remedial actions taken by the city or township clerk, within 1
28 business day after the state bureau of elections notifies the clerk
29 of that city or township.

1 (15) For a presidential primary election, the secretary of
2 state shall prescribe procedures for contacting an elector who is
3 an absent uniformed services voter or an overseas voter, as
4 described in this section, and who is eligible to receive an absent
5 voter ballot or who applies for an absent voter ballot for the
6 presidential primary election, offering the elector the opportunity
7 to select a political party ballot for the presidential primary
8 election.

9 (16) The secretary of state shall order a city or township
10 clerk to extend the ballot receipt deadline for any absent voter
11 ballots under this section that were not transmitted to an absent
12 uniformed services voter or overseas voter in compliance with
13 subsection (5). The extension must equal the total number of days
14 beyond the deadline as provided in subsection (5) that the city or
15 township clerk transmitted the requested absent voter ballots.
16 These absent voter ballots received during the extension time must
17 be counted and tabulated for the final results of the election
18 provided that the absent voter ballots are executed and sent by the
19 close of the polls on election day. The election may be formally
20 certified before the end of the extension time if the number of
21 outstanding absent voter ballots under this subsection will not
22 alter the outcome of the election.

23 (17) The secretary of state shall promulgate rules that
24 establish policies and procedures for the electronic return of
25 voted ballots by eligible members. In promulgating rules that
26 establish the policies and procedures for the electronic return of
27 voted ballots by eligible members, the secretary of state shall
28 require an eligible member to use a United States Department of
29 Defense verified electronic signature, as that term is defined in

1 section 18a, so that the identity of the eligible member can be
2 verified utilizing those policies and procedures. A member who is
3 unable or unwilling to provide a United States Department of
4 Defense verified electronic signature is not eligible to
5 electronically return a voted ballot. The secretary of state shall
6 take reasonable steps to ensure the integrity and secrecy of voted
7 ballots returned electronically. The secretary of state may develop
8 and maintain a secure web portal on the secretary of state's
9 website to facilitate the electronic return of voted ballots by
10 eligible members. Only the secretary of state or the secretary of
11 state's duly authorized agent, a city or township clerk, the
12 clerk's deputy clerk, or a sworn member of the clerk's staff is
13 authorized to access the secure web portal on the secretary of
14 state's website. No later than ~~January 1, 2024,~~ **September 1, 2025,**
15 the secretary of state shall promulgate rules pursuant to the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328, to implement this subsection. ~~, and the secretary of state~~
18 ~~must allow for the electronic return of voted ballots by eligible~~
19 ~~members starting no later than the 2024 statewide presidential~~
20 ~~primary election.~~ As used in this subsection, "eligible member"
21 means a member of a uniformed service on active duty or a member of
22 the merchant marine, as described in subsection (6) or (13).

23 (18) If the absent voter ballot return envelope containing a
24 marked absent voter ballot for an absent uniformed services voter
25 or overseas voter is postmarked on or before election day and the
26 absent voter ballot is received by mail by the city or township
27 clerk within 6 days after the election, the city or township clerk
28 shall consider that absent voter ballot timely received. If the
29 absent voter ballot return envelope containing a marked absent

1 voter ballot for an absent uniformed services voter or overseas
2 voter is received by mail by the city or township clerk within 6
3 days after the election and the postmark on the absent voter ballot
4 return envelope is missing or unclear, the city or township clerk
5 shall deliver that absent voter ballot return envelope to the clerk
6 of the county in which the city or township is located as provided
7 in this subsection and that county clerk shall determine whether
8 that absent voter ballot was timely received. Not later than the
9 seventh day after election day, each city or township clerk shall,
10 without opening the absent voter ballot return envelopes, deliver
11 the absent voter ballots received within 6 days after the election
12 as provided under this subsection to the clerk of the county in
13 which the city or township is located. If the postmark on the
14 absent voter ballot return envelope is missing or unclear, and if
15 the county clerk determines that the absent voter ballot return
16 envelope or the voter certificate inside the absent voter ballot
17 return envelope is dated on or before election day by the absent
18 uniformed services voter or overseas voter, the county clerk shall
19 consider that absent voter ballot as timely received. The absent
20 voter ballots considered timely received as provided under this
21 subsection shall be tabulated by the county clerk in a meeting of
22 the board of county canvassers. As used in this subsection,
23 "postmark" means any type of mark applied by the United States
24 Postal Service or any delivery service to the absent voter ballot
25 return envelope, including, but not limited to, a bar code or any
26 tracking marks that indicate when a ballot was mailed.

27 (19) As used in this section:

28 (a) "Absent uniformed services voter" means any of the
29 following:

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

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

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

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

15 (i) Employed as an officer or crew member of a vessel
16 documented under the laws of the United States, a vessel owned by
17 the United States, or a vessel of foreign-flag registry under
18 charter to or control of the United States.

19 (ii) Enrolled with the United States for employment or training
20 for employment, or maintained by the United States for emergency
21 relief service, as an officer or crew member of a vessel documented
22 under the laws of the United States, a vessel owned by the United
23 States, or a vessel of foreign-flag registry under charter to or
24 control of the United States.

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

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

29 (ii) An individual who resides outside of the United States and

1 is qualified to vote in the last place in which the individual was
2 domiciled before leaving the United States.

3 (iii) An individual who resides outside of the United States and
4 who, but for such residence outside of the United States, would be
5 qualified to vote in the last place in which the individual was
6 domiciled before leaving the United States.

7 (d) "Uniformed services" means the Army, Navy, Air Force,
8 Marine Corps, Space Force, or Coast Guard, the Commissioned Corps
9 of the Public Health Service, the Commissioned Corps of the
10 National Oceanic and Atmospheric Administration, a reserve
11 component of a uniformed service, or the Michigan National Guard as
12 that term is defined in section 105 of the Michigan military act,
13 1967 PA 150, MCL 32.505.