

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.766b.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2023 REGULAR SESSION SINE DIE *****

168.766b.added Verification or rejection of absent voter ballot application or return envelope; timing based on date of election; date of receipt.

Sec. 766b. (1) Beginning 45 days before an election, if an absent voter ballot application or an absent voter ballot return envelope is received 6 or more calendar days before an election, the clerk must make a reasonable effort to verify or reject the absent voter ballot application or absent voter ballot return envelope by the end of the next business day following the receipt of that application or return envelope. If the clerk determines that the elector's signature on the absent voter ballot application or absent voter ballot return envelope is missing or does not agree sufficiently with the signature on file, the clerk must notify the elector as provided under section 766a by the end of the next business day following the receipt of the absent voter ballot application or absent voter ballot return envelope.

(2) Subject to subsection (3), if an absent voter ballot application or absent voter ballot return envelope is received 5 or fewer days before an election or on election day, the clerk must verify or reject the absent voter ballot application or absent voter ballot return envelope by the end of the calendar day of receiving that application or return envelope. Subject to subsection (3), if the clerk determines that the elector's signature on the absent voter ballot application or absent voter ballot return envelope is missing or does not agree sufficiently with the signature on file, the clerk must notify the elector as provided under section 766a by the end of the calendar day on which the application or return envelope was received.

(3) If the clerk determines that the elector's signature on an absent voter ballot application is missing or does not agree sufficiently with the signature on file after 4 p.m. on the fourth day before the election, the elector must be notified of the rejection of the elector's absent voter ballot application under section 761.

(4) If an absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office before or during the clerk's scheduled business hours on a day, that absent voter ballot application or absent voter ballot return envelope is considered received by the clerk on that day. If an absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office after the end of the clerk's scheduled business hours on a day, or if the absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office on a day on which the clerk does not have scheduled business hours, that absent voter ballot application or absent voter ballot return envelope is considered received by the clerk on the first subsequent day on which the clerk has scheduled business hours.

(5) Each absent voter ballot application or absent voter ballot return envelope retrieved from an absent voter ballot drop box before or during the clerk's scheduled business hours is considered received by the clerk on the day the application or return envelope is retrieved. An absent voter ballot application or absent voter ballot return envelope retrieved from an absent voter ballot drop box after the end of the clerk's scheduled business hours on a day, or deposited in an absent voter ballot drop box on a day on which the clerk does not have scheduled business hours, is not considered received by the clerk until the first subsequent day on which the clerk has scheduled business hours.

(6) An absent voter ballot return envelope that is collected by an election official through the procedure provided under 764b(4) or (5) is considered received when the election official comes into physical possession of the absent voter ballot return envelope.

(7) Nothing in this section prevents a clerk from providing a notification to an elector under section 761 or 766 in a more timely manner than required.

History: Add. 2023, Act 82, Eff. (sine die).

Popular name: Election Code