HOUSE BILL NO. 4570

May 16, 2023, Introduced by Reps. Rogers, Tsernoglou, Price, Rheingans, Byrnes, Andrews, Wilson, Hood, Pohutsky, Conlin, Hoskins, Brixie, McFall, Mentzer, Hope, Breen, Arbit, MacDonell, Wegela, Skaggs, Miller, Dievendorf, Scott, Morgan, Young, Koleszar, Weiss, Paiz, Brabec, McKinney, Farhat, Steckloff, Coffia, Edwards, O'Neal, Neeley, Grant, Martus and Whitsett and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

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

3   8 p.m. on the day of a primary or special primary, an elector may

4   apply for an absent voter ballot. The elector shall apply in person

5   or by mail with the clerk of the township or city in which the

6   elector is registered. **In addition, an elector may apply using the**

1 **online absent voter ballot application maintained by the secretary**

2 **of state.** The clerk of a city or township shall not send by first-

3 class mail an absent voter ballot to an elector after 5 p.m. on the

4 Friday immediately before the election. Except as otherwise

5 provided in section 761(2), the clerk of a city or township shall

6 not issue an absent voter ballot to a registered elector in that

7 city or township after 4 p.m. on the day before the election. An

8 application received before a primary or special primary may be for

9 either that primary only, or for that primary and the election that

10 follows. An individual may submit a voter registration application

11 and an absent voter ballot application at the same time if applying

12 in person with the clerk or deputy clerk of the city or township in

13 which the individual resides. Immediately after ~~his or her~~ **the**

14 **individual's** voter registration application and absent voter ballot

15 application are approved by the clerk or deputy clerk, the

16 individual may, subject to the identification requirement in

17 section 761(6), complete an absent voter ballot at the clerk's

18 office.

19 (2) Except as otherwise provided in subsection (1) and subject

20 to section 761(3), at any time during the 75 days before an

21 election, but not later than 8 p.m. on the day of an election, an

22 elector may apply for an absent voter ballot. The elector shall

23 apply in person or by mail with the clerk of the township, city, or

24 village in which the voter is registered. **In addition, an elector**

25 **may apply using the online absent voter ballot application**

26 **maintained by the secretary of state.** 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~~ **the individual's** voter registration application and absent

8 voter ballot application are approved by the clerk, the individual

9 may, subject to the identification requirement in section 761(6),

10 complete an 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   **(d) Using the online absent voter ballot application**

18 **maintained by the secretary of state.**

19   (4) An applicant for an absent voter ballot shall sign the

20 application. Subject to section 761(2), a clerk or assistant clerk

21 shall not deliver an absent voter ballot to an applicant who does

22 not sign the application. ~~A person~~ **An individual** shall not be in

23 possession of a signed absent voter ballot application except for

24 the applicant; a member of the applicant's immediate family; ~~a~~

25 ~~person~~ **an individual** residing in the applicant's household; ~~a~~

26 ~~person~~ **an individual** whose job normally includes the handling of

27 mail, but only during the course of ~~his or her~~ **the individual's**

28 employment; a registered elector requested by the applicant to

29 return the application; or a clerk, assistant of the clerk, or

1 other authorized election official. A registered elector who is

2 requested by the applicant to return ~~his or her~~ **the applicant's**

3 absent voter ballot application shall sign the certificate on the

4 absent voter ballot 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 <u>WARNING</u>

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~~ **the assistant's** credentials before entrusting

22 your application with ~~a person~~ **an individual** claiming to have the

23 clerk's 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

1 .... at ~~his or her~~ **the applicant's** request; that I

2 did not solicit or request to return the application; that I have

3 not made any markings on the application; that I have not altered

4 the application in any way; that I have not influenced the

5 applicant; and that I am aware that a false statement in this

6 certificate is a violation of Michigan election law.

7 _____   _____

8   (Date)   (Signature)"

9   (6) The following instructions for an applicant for an absent

10 voter ballot must be included with each application furnished an

11 applicant:

12   INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

13   Step 1. After completely filling out the application, sign and

14 date the application in the place designated. Your signature must

15 appear on the application or you may not receive an absent voter

16 ballot.

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

18   (a) Place the application in an envelope addressed to the

19 appropriate clerk and place the necessary postage upon the return

20 envelope and deposit it in the United States mail or with another

21 public postal service, express mail service, parcel post service,

22 or common carrier.

23   (b) Deliver the application personally to the clerk's office,

24 to the clerk, or to an authorized assistant of the clerk.

25   (c) In either (a) or (b), a member of the immediate family of

26 the voter including a father-in-law, mother-in-law, brother-in-law,

27 sister-in-law, son-in-law, daughter-in-law, grandparent, or

28 grandchild or ~~a person~~ **an individual** residing in the ~~voter's~~

29 **elector's** household may mail or deliver the application to the

1   clerk for the 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   **(e) If the applicant applies using the online absent voter**

8   **ballot application maintained by the secretary of state, send the**

9   **application electronically through the qualified voter file to the**

10 **appropriate city or township clerk for processing.**

11   (7) ~~A person~~ **An individual** who prints and distributes absent

12 voter ballot applications shall print on the application the

13 warning, certificate of authorized registered elector returning

14 absent voter ballot application, and instructions required by this

15 section.

16   (8) ~~A person~~ **An individual** who makes a false statement in an

17 absent voter ballot application is guilty of a misdemeanor. ~~A~~

18 ~~person~~ **An individual** who forges a signature on an absent voter

19 ballot application is guilty of a felony. ~~A person~~ **An individual**

20 who is not authorized in this act and who both distributes absent

21 voter ballot applications to absent voters and returns those absent

22 voter ballot applications to a clerk or assistant of the clerk is

23 guilty of a misdemeanor.

24   (9) The absent voter ballot application of an elector who is a

25 program participant, as that term is defined in **section 3 of** the

26 address confidentiality program act, **2020 PA 301, MCL 780.853,** is

27 confidential and not subject to disclosure under the freedom of

28 information act, 1976 PA 442, MCL 15.231 to 15.246.

29   **(10) The secretary of state shall maintain an online absent**

1   voter ballot application that allows a qualified and registered

2   elector to request an absent voter ballot for an election occurring

3   in that elector's city or township. The online absent voter ballot

4   application must be in substantially the same form as the absent

5   voter ballot application provided under subsection (5).

6   (11) The online absent voter ballot application maintained by

7   the secretary of state under subsection (10) must provide an

8   opportunity for an elector to use the elector's stored digital

9   signature on file with the secretary of state on the online absent

10 voter ballot application. In order to allow an elector to use the

11 elector's stored digital signature, the online absent voter ballot

12 application must verify the elector's identity and registration

13 status by requesting the elector's name, complete driver license or

14 state personal identification card number, full date of birth, last

15 4 digits of the elector's Social Security number, and eye color. A

16 registered elector whose stored digital signature is on file with

17 the secretary of state must sign the online absent voter ballot

18 application with that stored digital signature. A registered

19 elector without a stored digital signature on file with the

20 secretary of state may provide a manual digital signature by

21 uploading a photograph of the registered elector's physical

22 handwritten signature to the online absent voter ballot

23 application. A completed online absent voter ballot application,

24 including digital signature, must be sent electronically through

25 the qualified voter file to the appropriate city or township clerk

26 for processing. An online absent voter ballot application signed

27 using a stored digital signature or manual digital signature must

28 be processed and treated identically as an absent voter ballot

29 application signed with a physical handwritten signature. As used

1   in this subsection:

2   (a) "Manual digital signature" means a digitally captured

3   image of an elector's handwritten signature.

4   (b) "Stored digital signature" means the image of a registered

5   elector's signature captured by the department of state and

6   maintained in the department of state's motor vehicle database.