

# HOUSE BILL NO. 5960

March 23, 2022, Introduced by Rep. Calley and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 761, 765a, 766, and 767 (MCL 168.761, 168.765a, 168.766, and 168.767), section 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. 761. (1) If the clerk of a city or township receives an

1 application for an absent voter ballot from ~~a person~~**an individual**  
2 registered to vote in that city or township and if the signature on  
3 the application agrees with the signature for the ~~person~~**individual**  
4 contained in the qualified voter file or on the registration card  
5 as required in subsection (2), the clerk immediately upon receipt  
6 of the application or, if the application is received before the  
7 printing of the absent voter ballots, as soon as the ballots are  
8 received by the clerk, shall forward by mail, postage prepaid, or  
9 shall deliver personally 1 of the ballots or set of ballots if  
10 there is more than 1 kind of ballot to be voted to the applicant.  
11 If the clerk of a city or township receives an application for an  
12 absent voter ballot from an applicant who is a program participant,  
13 as that term is defined in **section 3 of** the address confidentiality  
14 program act, **2020 PA 301, MCL 780.853**, then the city or township  
15 clerk shall mail an absent voter ballot to that program participant  
16 at the designated address provided to that program participant by  
17 the department of the attorney general under the address  
18 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.  
19 Subject to the identification requirement in subsection (6), absent  
20 voter ballots may be delivered to an applicant in person at the  
21 office of the clerk. **If the clerk of a city or township receives an**  
22 **absent voter ballot application from an individual registered to**  
23 **vote in that city or township and the signature on the application**  
24 **does not sufficiently agree with the signature for that individual**  
25 **contained on the master card or with the digitized signature for**  
26 **that individual contained in the qualified voter file, or the**  
27 **individual failed to sign the application, the clerk of the city or**  
28 **township shall proceed as provided in sections 766a and 766b.**

29 (2) ~~The~~**Subject to sections 766a and 766b, the** qualified voter

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

20 (3) Subject to the identification requirement in subsection  
21 (6) and except as otherwise provided in this subsection, ~~a person~~  
22 **an individual** may apply in person at the clerk's office before 8  
23 p.m. on election day to vote as an absent voter. Except as  
24 otherwise provided in ~~subsection (2),~~ **section 766a**, only an  
25 individual who is not a registered elector, or an individual who is  
26 not registered to vote in the city or township in which he or she  
27 is registering to vote, and who registers to vote on election day  
28 in person with the clerk of the city or township in which the  
29 individual resides may apply for and complete an absent voter

1 ballot in person at the clerk's office on election day. Except as  
2 otherwise provided in ~~subsection (2)~~, **section 766a**, the clerk of a  
3 city or township shall not issue an absent voter ballot to a  
4 registered elector in that city or township after 4 p.m. on the day  
5 before the election. The applicant shall receive his or her absent  
6 voter ballot and vote the ballot in the clerk's office. All other  
7 absent voter ballots, except ballots delivered pursuant to an  
8 emergency absent voter ballot application under section 759b, must  
9 be mailed or delivered to the registration address of the applicant  
10 unless the application requests delivery to an address outside the  
11 city or township or to a hospital or similar institution, in which  
12 case the absent voter ballots must be mailed or delivered to the  
13 address given in the application. However, a clerk may mail or  
14 deliver an absent voter ballot, upon request of the absent voter,  
15 to a post office box if the post office box is where the absent  
16 voter normally receives personal mail and the absent voter does not  
17 receive mail at his or her registration address.

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

28 TO BE COMPLETED

29 BY THE CLERK

1 \_\_\_\_\_

2 Name of Voter \_\_\_\_\_ Street Address or R.R. or

3 \_\_\_\_\_ Program Participant

4 \_\_\_\_\_ Identification Number

5 \_\_\_\_\_

6 City or Township \_\_\_\_\_ County

7 Ward \_\_\_\_\_ Precinct \_\_\_\_\_ Date of Election \_\_\_\_\_

8 =====

9 TO BE COMPLETED BY THE ABSENT VOTER

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

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

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

13 otherwise indicated below, I personally marked the ballot enclosed

14 in this envelope without exhibiting it to any other

15 ~~person.~~**individual.**

16 I further assert that this absent voter ballot is being

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

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

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

20 family; or by ~~a person~~**an individual** residing in my household.

21 DATE: \_\_\_\_\_ SIGN HERE X \_\_\_\_\_

22 Signature of Absent Voter

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

24 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY

25 OF A MISDEMEANOR.

26 =====

27 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

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

29 I assisted the above named absent voter who is disabled or

1 otherwise unable to mark the ballot in marking his or her absent  
2 voter ballot pursuant to his or her directions. The absent voter  
3 ballot was inserted in the return envelope without being exhibited  
4 to any other ~~person~~**individual**.

5 \_\_\_\_\_  
6 Signature of Street Address City or Township  
7 ~~Person~~**Individual**  
8 Assisting Voter or R.R.  
9 \_\_\_\_\_

10 Printed Name of ~~Person~~**Individual** Assisting Voter  
11 ~~A PERSON-AN INDIVIDUAL~~ WHO ASSISTS AN ABSENT VOTER AND WHO  
12 KNOWINGLY MAKES A  
13 FALSE STATEMENT IS GUILTY OF A FELONY.

14 =====

15 WARNING  
16 ~~PERSONS-INDIVIDUALS~~ WHO CAN LEGALLY BE IN POSSESSION OF AN  
17 ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE  
18 ABSENT VOTER; ~~A PERSON-AN INDIVIDUAL~~ WHO IS A MEMBER OF THE ABSENT  
19 VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD  
20 AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; ~~A~~  
21 ~~PERSON-AN INDIVIDUAL~~ WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING,  
22 OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL  
23 SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING  
24 THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK,  
25 ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF  
26 THE CITY OR TOWNSHIP. ANY OTHER ~~PERSON-INDIVIDUAL~~ IN POSSESSION OF  
27 AN ABSENT VOTER BALLOT IS GUILTY OF A 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 an elector obtains his or her absent voter ballot in  
5 person from the clerk of the city or township in which he or she is  
6 registered, the clerk of the city or township shall not provide an  
7 absent voter ballot to that elector until the elector identifies  
8 himself or herself to the clerk by presenting identification for  
9 election purposes. If an elector does not have identification for  
10 election purposes, the elector may sign an affidavit to that effect  
11 before the clerk of the city or township and be allowed to obtain  
12 his or her absent voter ballot in person from the clerk. The clerk  
13 of the city or township shall indicate to each elector who is  
14 registered in that city or township and who obtains his or her  
15 absent voter ballot in person from the clerk that the elector may  
16 sign an affidavit indicating that the elector does not have  
17 identification for election purposes in order to obtain his or her  
18 absent voter ballot in person from the clerk. However, if an  
19 elector obtains his or her absent voter ballot in person from the  
20 clerk and votes by absent voter ballot without providing  
21 identification for election purposes required under this  
22 subsection, the absent voter ballot of that elector must be  
23 prepared as a challenged ballot as provided in section 727 and must  
24 be counted as any other ballot is counted unless determined  
25 otherwise by a court of law under section 747 or 748 or any other  
26 applicable law.

27 Sec. 765a. (1) Subject to section 764d, if a city or township  
28 decides to use absent voter counting boards, the board of election  
29 commissioners of that city or township shall establish an absent

1 voter counting board for each election day precinct in that city or  
2 township. The ballot form of an absent voter counting board must  
3 correspond to the ballot form of the election day precinct for  
4 which it is established. After the polls close on election day, the  
5 county, city, or township clerk responsible for producing the  
6 accumulation report of the election results submitted by the boards  
7 of precinct election inspectors shall format the accumulation  
8 report to clearly indicate all of the following:

9 (a) The election day precinct returns.

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

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

13 (2) Subject to section 764d, the board of election  
14 commissioners shall establish the absent voter counting boards.  
15 Subject to section 764d, the board of election commissioners shall  
16 appoint the election inspectors to those absent voter counting  
17 boards not less than 21 days or more than 40 days before the  
18 election at which they are to be used. Sections 673a and 674 apply  
19 to the appointment of election inspectors to absent voter counting  
20 boards under this section. The board of election commissioners  
21 shall determine the number of ballots that may be expeditiously  
22 counted by an absent voter counting board in a reasonable period of  
23 time, taking into consideration the size and complexity of the  
24 ballot to be counted pursuant to the guidelines of the secretary of  
25 state. Combined ballots must be regarded as the number of ballots  
26 as there are sections to the ballot.

27 (3) If more than 1 absent voter counting board is to be used,  
28 the city or township clerk shall determine the number of electronic  
29 voting systems or the number of ballot boxes and the number of



1 election inspectors to be used in each of the absent voter counting  
2 boards and to which absent voter counting board the absent voter  
3 ballots for each precinct are assigned for counting.

4 (4) In a city or township that uses absent voter counting  
5 boards under this section, absent voter ballots must be counted in  
6 the manner provided in this section and, except as otherwise  
7 provided in section 764d, absent voter ballots must not be  
8 delivered to the polling places. Subject to section 764d, the board  
9 of election commissioners shall provide a place for each absent  
10 voter counting board to count the absent voter ballots. Section 662  
11 applies to the designation and prescribing of the absent voter  
12 counting place or places in which the absent voter counting board  
13 performs its duties under this section, except the location may be  
14 in a different jurisdiction if the county provides a tabulator for  
15 use at a central absent voter counting board location in that  
16 county. The places must be designated as absent voter counting  
17 places. Except as otherwise provided in this section, laws relating  
18 to paper ballot precincts, including laws relating to the  
19 appointment of election inspectors, apply to absent voter counting  
20 places. The provisions of this section relating to placing of  
21 absent voter ballots on electronic voting systems apply. More than  
22 1 absent voter counting board may be located in 1 building.

23 (5) The clerk of a city or township that uses absent voter  
24 counting boards shall supply each absent voter counting board with  
25 supplies necessary to carry out its duties under this act. The  
26 supplies must be furnished to the city or township clerk in the  
27 same manner and by the same persons or agencies as for other  
28 precincts.

29 (6) Subject to section 764d, absent voter ballots received by

1 the clerk before election day must be delivered to the absent voter  
2 counting board by the clerk or the clerk's authorized assistant at  
3 the time the election inspectors of the absent voter counting  
4 boards report for duty, which time must be established by the board  
5 of election commissioners. Except as otherwise provided in section  
6 764d, absent voter ballots received by the clerk before the time  
7 set for the closing of the polls on election day must be delivered  
8 to the absent voter counting boards. Except as otherwise provided  
9 in section 765(6), absent voter ballots must be delivered to the  
10 absent voter counting boards or combined absent voter counting  
11 boards in the sealed absent voter ballot return envelopes in which  
12 they were returned to the clerk. Written or stamped on each of the  
13 return envelopes must be the time and the date that the envelope  
14 was received by the clerk and a statement by the clerk that the  
15 signatures of the absent voters on the envelopes have been checked  
16 and found to **sufficiently** agree with the signatures of the voters  
17 on the registration cards or the digitized signatures of voters  
18 contained in the qualified voter file as provided under section  
19 766. ~~If it is determined after 8 p.m. on the day before election~~  
20 ~~day that~~ a signature on the registration card or a digitized  
21 signature contained in the qualified voter file and on the absent  
22 voter ballot return envelope does not **sufficiently** agree as  
23 provided under section 766 ~~, or if it is determined after 8 p.m. on~~  
24 ~~the day before election day that~~ the absent voter failed to sign  
25 the envelope, ~~or if~~ **the clerk shall proceed as provided under**  
26 **sections 766a and 766b. If** the statement of the absent voter is not  
27 properly executed, the clerk shall mark the envelope "rejected" and  
28 the reason for the rejection and shall place his or her name under  
29 the notation. An envelope marked "rejected" must not be delivered

1 to the absent voter counting board or combined absent voter  
2 counting board but must be preserved by the clerk until other  
3 ballots are destroyed in the manner provided in this act. ~~If before~~  
4 ~~8 p.m. on the day before election day the clerk of a city or~~  
5 ~~township rejects an absent voter ballot return envelope because the~~  
6 ~~signature on the absent voter ballot return envelope does not agree~~  
7 ~~sufficiently with the signature on the master card or the digitized~~  
8 ~~signature contained in the qualified voter file so as to identify~~  
9 ~~the elector or because the elector failed to sign the absent voter~~  
10 ~~ballot return envelope, the city or township clerk shall as soon as~~  
11 ~~practicable, but in no event later than 48 hours after determining~~  
12 ~~the signatures do not agree sufficiently or that the signature is~~  
13 ~~missing, or by 8 p.m. on the day before election day, whichever~~  
14 ~~occurs first, notify the elector of the rejection by mail,~~  
15 ~~telephone, or electronic mail. The clerk shall also comply with~~  
16 section 765(5).

17 (7) This chapter does not prohibit an absent voter from voting  
18 in person within the voter's precinct at an election,  
19 notwithstanding that the voter may have applied for an absent voter  
20 ballot and the ballot may have been mailed or otherwise delivered  
21 to the voter. The voter, the election inspectors, and other  
22 election officials shall proceed in the manner prescribed in  
23 section 769. The clerk shall preserve the canceled ballots for 2  
24 years.

25 (8) The absent voter counting boards and combined absent voter  
26 counting boards shall process the ballots and returns in as nearly  
27 as possible the same manner as ballots are processed in paper  
28 ballot precincts. The poll book may be combined with the absent  
29 voter list or record required by section 760, and the applications

1 for absent voter ballots may be used as the poll list. The  
2 processing and tallying of absent voter ballots may commence at 7  
3 a.m. on the day of the election.

4 (9) An election inspector, challenger, or any other ~~person~~  
5 **individual** in attendance at an absent voter counting place or  
6 combined absent voter counting place at any time after the  
7 processing of ballots has begun shall take and sign the following  
8 oath that may be administered by the chairperson or a member of the  
9 absent voter counting board or combined absent voter counting  
10 board:

11 "I (name of ~~person~~**individual** taking oath) do solemnly swear  
12 (or affirm) that I shall not communicate in any way any information  
13 relative to the processing or tallying of votes that may come to me  
14 while in this counting place until after the polls are closed."

15 (10) The oaths administered under subsection (9) must be  
16 placed in an envelope provided for the purpose and sealed with the  
17 red state seal. Following the election, the oaths must be delivered  
18 to the city or township clerk. Except as otherwise provided in  
19 subsection (12), a ~~person~~**an individual** in attendance at the absent  
20 voter counting place or combined absent voter counting place shall  
21 not leave the counting place after the tallying has begun until the  
22 polls close. Subject to this subsection, the clerk of a city or  
23 township may allow the election inspectors appointed to an absent  
24 voter counting board in that city or township to work in shifts. A  
25 second or subsequent shift of election inspectors appointed for an  
26 absent voter counting board may begin that shift at any time on  
27 election day as provided by the city or township clerk. However, an  
28 election inspector shall not leave the absent voter counting place  
29 after the tallying has begun until the polls close. If the election

1 inspectors appointed to an absent voter counting board are  
2 authorized to work in shifts, at no time shall there be a gap  
3 between shifts and the election inspectors must never leave the  
4 absent voter ballots unattended. At all times, at least 1 election  
5 inspector from each major political party must be present at the  
6 absent voter counting place and the policies and procedures adopted  
7 by the secretary of state regarding the counting of absent voter  
8 ballots must be followed. ~~A person~~ **An individual** who causes the  
9 polls to be closed or who discloses an election result or in any  
10 manner characterizes how any ballot being counted has been voted in  
11 a voting precinct before the time the polls can be legally closed  
12 on election day is guilty of a felony.

13 (11) Voted absent voter ballots must be placed in an approved  
14 ballot container, and the ballot container must be sealed in the  
15 manner provided by this act for paper ballot precincts. The seal  
16 numbers must be recorded on the statement sheet and in the poll  
17 book.

18 (12) Subject to this subsection, a local election official who  
19 has established an absent voter counting board or combined absent  
20 voter counting board, the deputy or employee of that local election  
21 official, an employee of the state bureau of elections, a county  
22 clerk, an employee of a county clerk, or a representative of a  
23 voting equipment company may enter and leave an absent voter  
24 counting board or combined absent voter counting board after the  
25 tally has begun but before the polls close. ~~A person~~ **An individual**  
26 described in this subsection may enter an absent voter counting  
27 board or combined absent voter counting board only for the purpose  
28 of responding to an inquiry from an election inspector or a  
29 challenger or providing instructions on the operation of the

1 counting board. Before entering an absent voter counting board or  
2 combined absent voter counting board, ~~a person~~ **an individual**  
3 described in this subsection must take and sign the oath prescribed  
4 in subsection (9). The chairperson of the absent voter counting  
5 board or combined absent voter counting board shall record in the  
6 poll book the name of ~~a person~~ **an individual** described in this  
7 subsection who enters the absent voter counting board or combined  
8 absent voter counting board. ~~A person~~ **An individual** described in  
9 this subsection who enters an absent voter counting board or  
10 combined absent voter counting board and who discloses an election  
11 result or in any manner characterizes how any ballot being counted  
12 has been voted in a precinct before the time the polls can be  
13 legally closed on election day is guilty of a felony. As used in  
14 this subsection, "local election official" means a county, city, or  
15 township clerk.

16 (13) The secretary of state shall develop instructions  
17 consistent with this act for the conduct of absent voter counting  
18 boards or combined absent voter counting boards. The secretary of  
19 state shall distribute the instructions developed under this  
20 subsection to county, city, and township clerks 40 days or more  
21 before a general election in which absent voter counting boards or  
22 combined absent voter counting boards will be used. A county, city,  
23 or township clerk shall make the instructions developed under this  
24 subsection available to the public and shall distribute the  
25 instructions to each challenger in attendance at an absent voter  
26 counting board or combined absent voter counting board. The  
27 instructions developed under this subsection are binding upon the  
28 operation of an absent voter counting board or combined absent  
29 voter counting board used in an election conducted by a county,

1 city, or township.

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

6 (a) Examining the digitized signature for the absent voter  
7 included in the qualified voter file under section 509q or the  
8 registration record as provided in subsection (2) to see that the  
9 ~~person~~**individual** has not voted in person, that he or she is a  
10 registered voter, and, **subject to subsection (3)**, that the  
11 signature on the statement **sufficiently** agrees with the signature  
12 on the registration record.

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

15 (2) The qualified voter file must be used to determine the  
16 genuineness of a signature on ~~an~~**a return** envelope containing an  
17 absent voter ballot. Signature comparisons must be made with the  
18 digitized signature in the qualified voter file. If the qualified  
19 voter file does not contain a digitized signature of an elector, or  
20 is not accessible to the clerk, the city or township clerk shall  
21 compare the signature appearing on ~~an~~**a return** envelope containing  
22 an absent voter ballot to the signature contained on the master  
23 card.

24 (3) **In determining whether an elector's signature on an absent**  
25 **voter ballot return envelope sufficiently agrees with the signature**  
26 **on file for that elector, the board of election inspectors must use**  
27 **the review process and standards described in section 766b.**

28 Sec. 766a. (1) **If the clerk of a city or township receives an**  
29 **absent voter ballot application or an absent voter ballot return**

1 envelope 6 days or more before an election that does not contain  
2 the elector's signature or that contains a signature that does not  
3 sufficiently agree with the signature on file so as to identify the  
4 elector, the city or township clerk must notify the elector of the  
5 issue as provided under subsection (6) by the end of the next  
6 business day following the receipt of the absent voter ballot  
7 application or absent voter ballot return envelope. A city or  
8 township clerk may provide notice to an elector more quickly than  
9 required under this subsection.

10 (2) If the clerk of a city or township receives an absent  
11 voter ballot application or absent voter ballot return envelope 5  
12 days or fewer before an election, but before 8 p.m. on the day  
13 before an election, the city or township clerk must review that  
14 absent voter ballot application or absent voter ballot return  
15 envelope by the end of the day on which the application or return  
16 envelope was received by the clerk. If the city or township clerk  
17 determines that the absent voter ballot application or absent voter  
18 ballot return envelope does not contain the elector's signature or  
19 contains a signature that does not sufficiently agree with the  
20 signature on file so as to identify the elector, the city or  
21 township clerk must notify the elector of the issue as provided  
22 under subsection (6) by the end of the day on which the absent  
23 voter ballot application or absent voter ballot return envelope was  
24 received by the city or township clerk. A city or township clerk  
25 may provide notice to an elector more quickly than required under  
26 this subsection.

27 (3) For purposes of subsections (1) and (2), both of the  
28 following apply:

29 (a) If an absent voter ballot application or absent voter



1 ballot return envelope comes into the physical control of the city  
2 or township clerk's office before or during the clerk's scheduled  
3 business hours, that absent voter ballot application or absent  
4 voter ballot return envelope is considered to have been received by  
5 the city or township clerk on the day of submission.

6 (b) If an absent voter ballot application or absent voter  
7 ballot return envelope comes into the physical control of the city  
8 or township clerk's office after the end of the clerk's scheduled  
9 business hours, or if an absent voter ballot application or absent  
10 voter ballot return envelope comes into the physical control of the  
11 city or township clerk's office on a day in which the clerk does  
12 not have scheduled business hours, that absent voter ballot  
13 application or absent voter ballot return envelope is considered to  
14 have been received by the city or township clerk on the first  
15 subsequent day during which the clerk has scheduled business hours.

16 (4) If a city or township maintains 1 or more absent voter  
17 ballot application drop boxes or absent voter ballot drop boxes,  
18 the city or township clerk, his or her deputy clerk, or a sworn  
19 member of his or her staff must check each drop box in the city or  
20 township for absent voter ballot applications and absent voter  
21 ballot return envelopes before the end of each day during which the  
22 clerk has scheduled business hours. The city or township clerk, his  
23 or her deputy clerk, or a sworn member of his or her staff must  
24 retrieve each absent voter ballot application and each absent voter  
25 ballot return envelope contained in the drop box. Each absent voter  
26 ballot application and absent voter ballot return envelope  
27 retrieved by the city or township clerk, his or her deputy clerk,  
28 or a sworn member of his or her staff is considered to have been  
29 received by the clerk on the day it was retrieved. An absent voter

1 ballot application or absent voter ballot return envelope deposited  
2 in a drop box on a day during which the city or township clerk does  
3 not have scheduled business hours is not considered to have been  
4 received by the city or township clerk until the first subsequent  
5 day during which the clerk has scheduled business hours.

6 (5) An absent voter ballot return envelope that is collected  
7 by a city or township clerk, or his or her authorized assistant, as  
8 provided in section 764b(4) or (5), is considered received when the  
9 city or township clerk, or his or her authorized assistant, comes  
10 into physical possession of the absent voter ballot return  
11 envelope.

12 (6) When notifying an elector under subsection (1) or (2) of a  
13 missing signature or of a signature that does not sufficiently  
14 agree with the signature on file, the city or township clerk must  
15 notify the elector by telephone and email. If an elector's email  
16 address is not available, the clerk must notify the elector by  
17 telephone and first-class mail.

18 (7) An elector may cure a missing signature or a signature  
19 that does not sufficiently agree with the signature on file by  
20 using any of the following methods:

21 (a) Providing to the city or township clerk a signature on the  
22 absent voter ballot application or absent voter ballot return  
23 envelope with the missing signature or a signature that  
24 sufficiently agrees with the signature on file for that elector.

25 (b) Completing and submitting to the city or township clerk a  
26 signature cure form as prescribed by the secretary of state.

27 (c) Following another form or method of curing the missing  
28 signature or a signature that does not sufficiently agree with the  
29 signature on file for that elector as specified by the city or

1 township clerk on the city or township website or as provided in  
2 the city or township clerk's office.

3 (8) An elector may cure a missing signature or a signature  
4 that does not sufficiently agree with the signature on file for the  
5 elector until the polls close on election day.

6 (9) If requested by an elector, a city or township clerk may  
7 facilitate the curing of a missing signature or a signature that  
8 does not sufficiently agree with the signature on file for the  
9 elector by doing either of the following:

10 (a) Collecting a signature cure form.

11 (b) Providing the absent voter ballot application or absent  
12 voter ballot return envelope that is missing a signature to the  
13 elector so that the elector can sign the absent voter ballot  
14 application or absent voter ballot return envelope.

15 (10) As used in this section and section 766b, "signature on  
16 file" means the elector's signature on the master card or the  
17 elector's digitized signature contained in the qualified voter  
18 file.

19 Sec. 766b. (1) A city or township clerk may reject an  
20 elector's signature on an absent voter ballot application or absent  
21 voter ballot return envelope only if, after reviewing the signature  
22 using the process described in this section, the city or township  
23 clerk determines that the signature does not sufficiently agree  
24 with the signature on file for the elector. A signature does not  
25 sufficiently agree with the signature on file only if the signature  
26 differs in significant and obvious respects from the signature on  
27 file. Slight dissimilarities between a signature on an absent voter  
28 ballot application or an absent voter ballot return envelope and  
29 the signature on file must be resolved in favor of the elector. An

1 exact signature match between a signature on an absent voter ballot  
2 application or an absent voter ballot return envelope and the  
3 signature on file is not required to determine that a signature  
4 sufficiently agrees with the signature on file.

5 (2) In making a determination under subsection (1) of whether  
6 an elector's signature on an absent voter ballot application or  
7 absent voter ballot return envelope sufficiently agrees with the  
8 signature on file, a city or township clerk shall consider whether  
9 there are any redeeming qualities present. The bureau of elections  
10 shall provide examples of signatures with redeeming qualities and  
11 questionable signatures. Redeeming qualities include, but are not  
12 limited to, any of the following:

13 (a) Similar distinctive flourishes.

14 (b) More matching features than nonmatching features.

15 (c) Signature features that do not match because it appears  
16 the elector's hand was trembling or shaking.

17 (d) Only part of the signature matches the signature on file,  
18 such as if only the first letters of the first and last name match.

19 (e) The signature is partially printed but partially matches  
20 the signature on file.

21 (f) The signature is a recognized diminutive of the elector's  
22 full legal name.

23 (g) The signature omits a middle name, replaces a middle name  
24 with an initial, or replaces a middle initial with a name.

25 (h) The signature style has changed slightly from the  
26 signature on file.

27 (3) In making a determination under subsection (1) of whether  
28 an elector's signature on an absent voter ballot application or  
29 absent voter ballot return envelope sufficiently agrees with the

1 signature on file, a city or township clerk shall consider all of  
2 the following explanations for any discrepancies in a signature:

3 (a) Evidence of trembling or shaking in a signature could be  
4 health-related or the result of aging.

5 (b) The elector may have used a diminutive of his or her full  
6 legal name, including, but not limited to, any of the following:

7 (i) Using initials.

8 (ii) Rearranging the components of his or her full legal name,  
9 such as a reversal of his or her first and last names.

10 (iii) Using a middle name in place of a first name.

11 (iv) Omitting a second name.

12 (c) The elector's signature style may have changed slightly  
13 over time.

14 (d) The signature may have been written in haste.

15 (e) The surface of the location where the signature was made  
16 may have been rough, soft, uneven, or unstable.

17 (f) The age of the elector.

18 (g) The age of the signature or signatures contained on the  
19 master card or in the qualified voter file.

20 (h) The possibility that the elector has become disabled.

21 (i) The elector's primary language.

22 (j) The quality of the digitized signature contained in the  
23 qualified voter file.

24 (k) Any other plausible reason for the discrepancy.

25 (4) If after examining an elector's signature on an absent  
26 voter ballot application or absent voter ballot return envelope the  
27 city or township clerk has genuine concerns about whether the  
28 elector's signature on the absent voter ballot application or  
29 absent voter ballot return envelope sufficiently agrees with the

1 signature on file for that elector, the city or township clerk may  
 2 contact the elector to address those concerns before making a  
 3 determination on whether the signature sufficiently agrees with the  
 4 signature on file. Any contact by a city or township clerk with an  
 5 elector under this subsection does not constitute notice as  
 6 required under section 766a.

7 Sec. 767. If upon ~~an examination of~~ **examining** the **return**  
 8 envelope containing an absent voter's ballot or ballots ~~it is~~  
 9 determined that the signature on the envelope does not **sufficiently**  
 10 agree ~~sufficiently~~ with the signature on the registration card or  
 11 the digitized signature contained in the qualified voter file as  
 12 provided under section 766 so as to identify the voter or if the  
 13 board ~~shall have~~ **has** knowledge that the ~~person~~ **individual** voting  
 14 the ballot or ballots has died, or if it is determined by a  
 15 majority of the board that ~~such~~ **the** vote is illegal for any other  
 16 reason, then ~~such~~ **the** vote ~~shall~~ **must** be rejected, and ~~thereupon~~  
 17 some member of the board shall, without opening the **return**  
 18 envelope, mark across the face of ~~such~~ **the return** envelope,  
 19 "rejected as illegal", and the reason ~~therefor~~ **for the rejection**.  
 20 The statement ~~shall~~ **must** be initialed by the ~~chairman~~ **chairperson**  
 21 of the board of election inspectors. ~~Said~~ **The return** envelope and  
 22 the **absent voter** ballot or ballots contained ~~therein~~ **in the**  
 23 **return envelope must** be returned to the city ~~or~~ township ~~or~~  
 24 ~~village~~ clerk and retained and preserved in the manner now provided  
 25 by law for the retention and preservation of official ballots voted  
 26 at ~~such~~ **an** election.