

**SUBSTITUTE FOR
HOUSE BILL NO. 4210**

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

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
6 disseminating information on the procedures for registering and
7 voting to an absent uniformed services voter and an overseas voter.
8 (2) Upon the request of an absent uniformed services voter or



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

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

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



1 application from the official United States Department of Defense
 2 website as the registration application and shall not send any
 3 additional registration forms to the applicant. Subject to
 4 subsection ~~(18)~~, **(19)**, if the ballots and registration forms are
 5 received before the close of the polls on election day and if the
 6 registration complies with the requirements of this act, the absent
 7 voter ballots must be delivered to the proper election board to be
 8 tabulated. If the registration does not comply with the
 9 requirements of this act, the clerk shall retain the absent voter
 10 ballots until the expiration of the time that the voted ballots
 11 must be kept and shall then destroy the ballots without opening the
 12 envelope. The clerk may retain registration forms completed under
 13 this section in a separate file. The address in this state shown on
 14 a registration form is the residence of the registrant.

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

20 (6) Upon the request of an absent uniformed services voter or
 21 overseas voter, the clerk of a county, city, or township shall
 22 electronically transmit an absent voter ballot to the voter. Except
 23 as otherwise provided in this subsection, the voter shall print the
 24 absent voter ballot and return the voted ballot by mail to the
 25 appropriate clerk. ~~Subject to subsection (17), beginning January 1,~~
 26 ~~2024, a member of a uniformed service on active duty, by reason of~~
 27 ~~being on active duty, or a member of the merchant marine, by reason~~
 28 ~~of service in the merchant marine, who is absent from the United~~
 29 ~~States and does not expect to return to the residence where the~~



1 ~~member is otherwise qualified to vote before an election~~ **Beginning**
 2 **January 1, 2024, an absent uniformed services voter** may
 3 electronically return a voted ballot to the appropriate city or
 4 township clerk to be counted under the ~~rules promulgated~~ **policies**
 5 **and procedures established** by the secretary of state as set forth
 6 in subsection (17).

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

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



1 procedures for returning the absent voter ballot to the appropriate
2 clerk.

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

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

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

27 (12) Under the uniformed and overseas citizens absentee voting
28 act, the state director of elections shall approve a ballot form
29 and registration procedures for absent uniformed services voters



1 and overseas voters.

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

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

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

29 (14) The clerk of a city or township shall submit to the



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

29 (15) For a presidential primary election, the secretary of



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

8 (16) The secretary of state shall order a city or township
9 clerk to extend the ballot receipt deadline for any absent voter
10 ballots under this section that were not transmitted to an absent
11 uniformed services voter or overseas voter in compliance with
12 subsection (5). ~~The~~ **Except as otherwise provided in this**
13 **subsection, 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 extension described in this**
20 **subsection extends beyond the time period described in subsection**
21 **(19) only if the absent voter ballots were transmitted more than 6**
22 **days beyond the deadline as provided in subsection (5).** The
23 election may be formally certified before the end of the extension
24 time if the number of outstanding absent voter ballots under this
25 subsection will not alter the outcome of the election.

26 ~~(17) The secretary of state shall promulgate rules that~~
27 ~~establish policies and procedures for the electronic return of~~
28 ~~voted ballots by eligible members. In promulgating rules that~~
29 ~~establish the policies and procedures for the electronic return of~~



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

**26 (17) Not later than January 1, 2024, the secretary of state
27 shall promulgate rules that establish policies and procedures by
28 which an absent uniformed services voter may electronically return
29 the absent uniformed services voter's voted ballot to the**



1 appropriate city or township clerk. The policies and procedures
2 established by the secretary of state must do all of the following:

3 (a) Ensure that the signature on the electronically returned
4 ballot agrees with the signature of the absent uniformed services
5 voter on file.

6 (b) Include additional security features considered
7 appropriate by the secretary of state to ensure and verify the
8 integrity and secrecy of voted ballots returned electronically by
9 absent uniformed services voters.

10 (c) Ensure that an absent voter ballot voted by an absent
11 uniformed services voter is considered received on election day if
12 the absent voter ballot is received electronically by 8 p.m. by the
13 city or township clerk on election day.

14 (d) Ensure that, in addition to all other election returns and
15 records that are required by law to be provided to the county
16 clerk, each city or township clerk provides the county clerk of the
17 county in which the city or township is located a list of all
18 absent voter ballots received electronically by 8 p.m. by the city
19 or township clerk on election day.

20 (e) Ensure that an absent uniformed services voter is actually
21 absent from the place of residence where the voter is otherwise
22 qualified to vote.

23 (f) Ensure that a county, city, or township clerk is
24 responsible for sending and receiving electronic ballots.

25 (18) The secretary of state may develop and maintain a secure
26 web portal on the secretary of state's website to facilitate the
27 electronic return of voted ballots by absent uniformed services
28 voters.

29 (19) ~~(18)~~ If the absent voter ballot return envelope



1 containing a marked absent voter ballot for an absent uniformed
2 services voter or overseas voter is postmarked on or before
3 election day and the absent voter ballot is received by mail by the
4 city or township clerk within 6 days after the election, the city
5 or township clerk shall consider that absent voter ballot timely
6 received. If the absent voter ballot return envelope containing a
7 marked absent voter ballot for an absent uniformed services voter
8 or overseas voter is received by mail by the city or township clerk
9 within 6 days after the election and the postmark on the absent
10 voter ballot return envelope is missing or unclear, the city or
11 township clerk shall deliver that absent voter ballot return
12 envelope to the clerk of the county in which the city or township
13 is located as provided in this subsection and that county clerk
14 shall determine whether that absent voter ballot was timely
15 received. Not later than the seventh day after election day, each
16 city or township clerk shall, without opening the absent voter
17 ballot return envelopes, deliver the absent voter ballots received
18 within 6 days after the election as provided under this subsection
19 to the clerk of the county in which the city or township is
20 located. If the postmark on the absent voter ballot return envelope
21 is missing or unclear, and if the county clerk determines that the
22 absent voter ballot return envelope or the voter certificate inside
23 the absent voter ballot return envelope is dated on or before
24 election day by the absent uniformed services voter or overseas
25 voter, the county clerk shall consider that absent voter ballot as
26 timely received. The absent voter ballots considered timely
27 received as provided under this subsection shall be tabulated by
28 the county clerk in a meeting of the board of county canvassers.
29 **The election may be formally certified before the end of the 6-day**



1 extension described in this subsection if the number of outstanding
 2 absent voter ballots will not alter the outcome of the election. As
 3 used in this subsection, "postmark" means any type of mark applied
 4 by the United States Postal Service or any delivery service to the
 5 absent voter ballot return envelope, including, but not limited to,
 6 a bar code or any tracking marks that indicate when a ballot was
 7 mailed.

8 (20) ~~(19)~~—As used in this section:

9 (a) "Absent uniformed services voter" means any of the
 10 following:

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

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

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

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

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

29 (ii) Enrolled with the United States for employment or training



1 for employment, or maintained by the United States for emergency
 2 relief service, as an officer or crew member of a vessel documented
 3 under the laws of the United States, a vessel owned by the United
 4 States, or a vessel of foreign-flag registry under charter to or
 5 control of the United States.

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

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

10 (ii) An individual who resides outside of the United States and
 11 is qualified to vote in the last place in which the individual was
 12 domiciled before leaving the United States.

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

17 (d) "Uniformed services" means the Army, Navy, Air Force,
 18 Marine Corps, Space Force, or Coast Guard, the Commissioned Corps
 19 of the Public Health Service, the Commissioned Corps of the
 20 National Oceanic and Atmospheric Administration, a reserve
 21 component of a uniformed service, or the Michigan National Guard as
 22 that term is defined in section 105 of the Michigan military act,
 23 1967 PA 150, MCL 32.505.

24 Enacting section 1. Section 18a of the Michigan election law,
 25 1954 PA 116, MCL 168.18a, is repealed.

