

**SUBSTITUTE FOR
HOUSE BILL NO. 4700**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 759, 761, and 766 (MCL 168.759, 168.761, and
168.766), sections 759 and 761 as amended by 2020 PA 302 and
section 766 as amended by 2018 PA 120, and by adding sections 766a
and 766b; and to repeal acts and parts of acts.

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. The clerk of a city or township shall not~~

1 ~~send by first class mail an absent voter ballot to an elector after~~
2 ~~5 p.m. on the Friday immediately before the election. Except as~~
3 ~~otherwise provided in section 761(2), the clerk of a city or~~
4 ~~township shall not issue an absent voter ballot to a registered~~
5 ~~elector in that city or township after 4 p.m. on the day before the~~
6 ~~election. An application received before a primary or special~~
7 ~~primary may be for either that primary only, or for that primary~~
8 ~~and the election that follows. An individual may submit a voter~~
9 ~~registration application and an absent voter ballot application at~~
10 ~~the same time if applying in person with the clerk or deputy clerk~~
11 ~~of the city or township in which the individual resides.~~
12 ~~Immediately after his or her voter registration application and~~
13 ~~absent voter ballot application are approved by the clerk or deputy~~
14 ~~clerk, the individual may, subject to the identification~~
15 ~~requirement in section 761(6), complete an absent voter ballot at~~
16 ~~the clerk's office.~~

17 ~~(2) Except as otherwise provided in subsection (1) and subject~~
18 ~~to section 761(3), at any time during the 75 days before an~~
19 ~~election, but not later than 8 p.m. on the day of an election, an~~
20 ~~elector may apply for an absent voter ballot. The elector shall~~
21 ~~apply in person or by mail with the clerk of the township, city, or~~
22 ~~village in which the voter is registered. The clerk of a city or~~
23 ~~township shall not send by first-class mail an absent voter ballot~~
24 ~~to an elector after 5 p.m. on the Friday immediately before the~~
25 ~~election. Except as otherwise provided in section 761(2), the clerk~~
26 ~~of a city or township shall not issue an absent voter ballot to a~~
27 ~~registered elector in that city or township after 4 p.m. on the day~~
28 ~~before the election. An individual may submit a voter registration~~
29 ~~application and an absent voter ballot application at the same time~~

1 ~~if applying in person with the clerk or deputy clerk of the city or~~
2 ~~township in which the individual resides. Immediately after his or~~
3 ~~her voter registration application and absent voter ballot~~
4 ~~application are approved by the clerk, the individual may, subject~~
5 ~~to the identification requirement in section 761(6), complete an~~
6 ~~absent voter ballot at the clerk's office.~~

7 (1) ~~(3) An application~~ **A registered elector may apply** for an
8 absent voter ballot under ~~this section may be made~~ in any of the
9 following ways:

10 (a) By a written request signed by the ~~voter~~ **elector**.

11 (b) On an absent voter ballot application form **as** provided for
12 ~~that purpose by the clerk of the city or township~~ **in this section**.

13 (c) On a federal postcard application.

14 (d) **Using an online absent voter ballot application as**
15 **provided by the secretary of state.**

16 (2) **A registered elector may submit an absent voter ballot**
17 **application in any of the following ways:**

18 (a) **By mail or email to the clerk of the city or township in**
19 **which the elector resides.**

20 (b) **By using the online absent voter ballot application as**
21 **provided by the secretary of state.**

22 (c) **Until 4 p.m. on the day before election day, in person to**
23 **the clerk of the city or township in which the elector resides.**

24 (d) **On election day, in person until 8 p.m. to the clerk of**
25 **the city or township in which the elector resides, but only if the**
26 **elector is registering to vote or updating the elector's voter**
27 **registration address. An elector who submits an absent voter ballot**
28 **application under this subdivision must complete the elector's**
29 **absent voter ballot in the city or township clerk's office.**

1 (3) ~~(4) An applicant for an absent voter ballot shall~~ **elector**
2 **must** sign the **absent voter ballot** application. Subject to section
3 761(2), a clerk or assistant clerk shall not deliver an absent
4 voter ballot to an applicant who does not sign the application. A
5 person shall not be in possession of a signed absent voter ballot
6 application except for the applicant; a member of the applicant's
7 immediate family; a person residing in the applicant's household; a
8 person whose job normally includes the handling of mail, but only
9 during the course of his or her employment; a registered elector
10 requested by the applicant to return the application; or a clerk,
11 assistant of the clerk, or other authorized election official. A
12 registered elector who is requested by the applicant to return his
13 or her absent voter ballot application shall sign the certificate
14 on the absent voter ballot application. **The digital image of an**
15 **elector's signature from a Michigan driver license or official**
16 **Michigan personal identification card record, or an electronic**
17 **image of an elector's physical signature, is an acceptable**
18 **signature for the absent voter ballot application. An absent voter**
19 **ballot application that is submitted and missing a signature is**
20 **subject to the requirements of sections 761 and 766a.**

21 (4) An absent voter ballot application submitted before a
22 primary election may be for either that primary election only, or
23 for that primary election and for each election that follows the
24 primary election in that year. An absent voter ballot application
25 submitted before a presidential primary election may be for that
26 presidential primary election only, or for that presidential
27 primary election and for each election that follows the
28 presidential primary election in that year.

29 (5) A registered elector has the right to have an absent voter

1 ballot sent to that elector before each election by submitting a
2 single, signed absent voter ballot application that covers all
3 future elections.

4 (6) An individual may submit a voter registration application
5 and an absent voter ballot application at the same time.
6 Immediately after the voter registration application for that
7 individual is approved, the clerk must verify the absent voter
8 ballot application and issue an absent voter ballot to that
9 individual as provided under section 761. An individual who submits
10 a voter registration application and an absent voter ballot
11 application at the same time and in person on the day of an
12 election must vote the absent voter ballot at the city or township
13 clerk's office.

14 (7) ~~(5)~~The clerk of a city or township shall have absent
15 voter ballot application forms available in the clerk's office at
16 all times. ~~and~~**The clerk of a city or township shall furnish**
17 **provide** an absent voter ballot application form to ~~anyone upon an~~
18 **individual on** a verbal or written request **and provide the**
19 **application to the individual in person, electronically, or by**
20 **United States mail, postage prepaid with a postage prepaid return**
21 **envelope, as requested by the individual. In addition, the**
22 **secretary of state, or any county, city, or township clerk, may**
23 **provide an absent voter ballot application to a registered elector**
24 **in person, electronically, or by United States mail, with prepaid**
25 **return postage, without a request from that registered elector. The**
26 absent voter ballot application must be in substantially the
27 following form:

28 "Application for absent voter ballot for:

29 [] The primary ~~or special primary~~ election to be held on

1 _____ (Date).

2 [] The election to be held on _____ (Date).

3 [] **All future elections. Automatically send me an absent**
4 **voter ballot for each election.**

5 (Check applicable election or elections)

6 I, _____, **am** a United States
7 citizen and a ~~qualified and registered elector of the _____~~
8 ~~precinct~~ of the township of _____ or ~~of the _____~~
9 ~~ward~~ of the city of _____, in the
10 county of _____ and state of Michigan,
11 **and I** apply for an ~~official~~ **absent voter** ballot, ~~or ballots,~~ to be
12 voted by me at the election or elections as requested in this
13 application.

14 Send **my** absent voter ballot to me at **the following address:**

15

16 (Street No. or R.R. or Designated Address)

17

18 (Post Office) (State) (Zip Code)

19 My ~~registered~~ **registration** address is

20

21 (Street No. or R.R. or Participant

22 Identification Number)

23

24 (Post Office) (State) (Zip Code)

25 **Telephone number:**

26 **Email address:**

27 Date.....

28 I certify that I am a United States citizen and that
29 the statements in this absent voter ballot application

1 are true.

2

3 (Signature)

4 WARNING

5 You must be a United States citizen to vote. If you are not a
6 United States citizen, you will not be issued an absent voter
7 ballot.

8 ~~A person~~**An individual** making a false statement in this absent
9 voter ballot application is guilty of a misdemeanor. It is a
10 violation of Michigan election law for ~~a person~~**an individual** other
11 than those listed in the instructions to return, offer to return,
12 agree to return, or solicit to return your absent voter ballot
13 application to the clerk. An assistant authorized by the clerk who
14 receives absent voter ballot applications at a location other than
15 the clerk's office must have credentials signed by the clerk. Ask
16 to see ~~his or her~~**the individual's** credentials before entrusting
17 your application with ~~a person~~**an individual** claiming to have the
18 clerk's authorization to return your application.

19 Certificate of Authorized Registered

20 Elector Returning Absent Voter

21 Ballot Application

22 I certify that my name is ~~and~~ my
23 address is ; ~~and my date of birth is~~
24 ~~.....~~ ; that I am delivering the absent voter ballot
25 application of at ~~his or her~~**the applicant's**
26 request; that I did not solicit or request to return the
27 application; that I have not made any markings on the application;
28 that I have not altered the application in any way; that I have not
29 influenced the applicant; and that I am aware that a false

1 statement in this certificate is a violation of Michigan election
2 law.

3 _____
4 (Date) (Signature)"

5 **(8)** ~~(6)~~—The following instructions for an applicant for an
6 absent voter ballot must be included with each application
7 furnished an applicant:

8 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

9 Step 1. After completely filling out the application, sign and
10 date the application in the place designated. Your signature must
11 appear on the application or you may not receive an absent voter
12 ballot.

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

14 (a) Place the application in ~~an~~ **the postage prepaid return**
15 envelope **provided by the clerk and** addressed to the appropriate
16 clerk, **or place the application in another envelope that is**
17 **addressed to the appropriate clerk** and place the necessary postage
18 ~~upon the~~ **on that** return envelope, and deposit ~~it~~ **the return**
19 **envelope** in the United States mail or with another ~~public~~ postal
20 service, express mail service, parcel post service, or common
21 carrier.

22 (b) Deliver the application personally to the clerk's office,
23 to the clerk, or to an authorized assistant of the clerk.

24 (c) In either (a) or (b), a member of the immediate family of
25 the voter including a father-in-law, mother-in-law, brother-in-law,
26 sister-in-law, son-in-law, daughter-in-law, grandparent, or
27 grandchild or ~~a person~~ **an individual** residing in the ~~voter's~~
28 **elector's** household may mail or deliver the application to the
29 clerk for the applicant.

1 (d) If an applicant cannot return the application in any of
2 the above methods, the applicant may select any registered elector
3 to return the application. The ~~person~~**individual** returning the
4 application must sign and return the certificate at the bottom of
5 the application.

6 (9) For a presidential primary election, the secretary of
7 state shall revise the absent voter ballot application form
8 described in subsection (7) and provide a separate form for a
9 presidential primary elector who has previously applied for an
10 absent voter ballot to indicate or change a political party ballot
11 selection.

12 (10) An elector may request delivery of the elector's absent
13 voter ballot to an address that is not the elector's registration
14 address. In addition, an elector may request delivery of the
15 elector's absent voter ballot to a post office box if the post
16 office box is where the absent voter normally receives personal
17 mail, and the elector does not receive mail at the elector's
18 registration address.

19 (11) An individual shall not be in possession of a signed
20 absent voter ballot application except for the applicant, a member
21 of the applicant's immediate family, an individual residing in the
22 applicant's household, an individual whose job normally includes
23 the handling of mail, but only during the course of the
24 individual's employment, a registered elector requested by the
25 applicant to return the application, or a clerk, assistant of the
26 clerk, or other authorized election official. A registered elector
27 who is requested by the applicant to return the applicant's absent
28 voter ballot application shall sign the certificate on the absent
29 voter ballot application.

1 (12) ~~(7) A person~~ **An individual** who prints and distributes
 2 absent voter ballot applications shall print on the application the
 3 warning, certificate of authorized registered elector returning
 4 absent voter ballot application, and instructions required by this
 5 section.

6 (13) ~~(8) A person~~ **An individual** who makes a false statement in
 7 an absent voter ballot application is guilty of a misdemeanor. A
 8 ~~person~~ **An individual** who forges a signature on an absent voter
 9 ballot application is guilty of a felony. ~~A person~~ **An individual**
 10 who is not authorized in this act and who both distributes absent
 11 voter ballot applications to absent voters and returns those absent
 12 voter ballot applications to a clerk or assistant of the clerk is
 13 guilty of a misdemeanor.

14 (14) ~~(9)~~ The absent voter ballot application of an elector who
 15 is a program participant, as that term is defined in **section 3 of**
 16 the address confidentiality program act, **2020 PA 301, MCL 780.853,**
 17 is confidential and not subject to disclosure under the freedom of
 18 information act, 1976 PA 442, MCL 15.231 to 15.246.

19 Sec. 761. (1) If the clerk of a city or township receives an
 20 application for an absent voter ballot, ~~from a person~~ **the clerk**
 21 **must immediately determine if the applicant is** registered to vote
 22 in that city or township and if the signature on the application
 23 agrees **sufficiently** with the signature **on file** for the ~~person~~
 24 ~~contained in the qualified voter file or on the registration card~~
 25 **individual** as required in subsection (2). ~~the~~ **The clerk must**
 26 immediately, upon ~~receipt~~ **verification** of the application or, if
 27 the application is received **and verified** before the printing of the
 28 absent voter ballots, as soon as the **absent voter** ballots are
 29 received by the clerk, ~~shall~~ forward by mail, postage prepaid, or

1 ~~shall deliver personally 1 of the ballots or set of ballots if~~
2 ~~there is more than 1 kind of ballot to be voted the absent voter~~
3 ~~ballot to the applicant. The clerk must include with the absent~~
4 ~~voter ballot a postage prepaid absent voter ballot return envelope.~~
5 **A clerk shall not send an absent voter ballot to an applicant by**
6 **first-class mail after 5 p.m. on the fourth day before an election.**
7 If the clerk of a city or township receives an application for an
8 absent voter ballot from an applicant who is a program participant,
9 as that term is defined in **section 3 of the address confidentiality**
10 **program act, 2020 PA 301, MCL 780.853,** then the city or township
11 clerk shall mail an absent voter ballot to that program participant
12 at the designated address provided to that program participant by
13 the department of the attorney general under the address
14 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873.**
15 ~~Subject to the identification requirement in subsection (6), absent~~
16 ~~voter ballots may be delivered to an applicant in person at the~~
17 ~~office of the clerk.~~**If the clerk of a city or township receives an**
18 **absent voter ballot application after the deadline for a clerk to**
19 **mail an absent voter ballot by first-class mail to the applicant**
20 **under this subsection, and the clerk does not otherwise promptly**
21 **provide the applicant with the absent voter ballot, the clerk must**
22 **immediately notify the applicant that the applicant's absent voter**
23 **ballot application was rejected as not timely received and notify**
24 **the applicant of the alternative methods of voting available for**
25 **that election. The clerk must notify the applicant by telephone,**
26 **email, or text message, if available. In the absence of the**
27 **applicant's telephone number or email address, the clerk must**
28 **notify the applicant by United States mail. The clerk may also**
29 **provide notice to the applicant by any other available methods of**

1 contact. Electronic notification of the rejection of the
2 application under section 764c that provides the information
3 required by this subsection constitutes sufficient notification to
4 the applicant. However, an absent voter ballot application that is
5 rejected must still be processed for any future elections indicated
6 on that absent voter ballot application. If a county clerk receives
7 an application for an absent voter ballot from an individual, the
8 county clerk shall immediately forward that absent voter ballot
9 application to the appropriate city or township clerk where that
10 individual resides. If a city or township clerk receives an
11 application for an absent voter ballot from an individual who is
12 registered to vote in a different city or township, that clerk must
13 immediately contact the individual to determine where the
14 individual resides and should be registered to vote. If the city or
15 township clerk determines that the individual is registered to vote
16 in a different city or township, the city or township clerk must
17 electronically forward the application to the clerk of the city or
18 township in which the individual is registered.

19 (2) The ~~qualified voter file~~ **signature on file** must be used to
20 determine the genuineness of a signature on an application for an
21 absent voter ballot. Signature comparisons must be made ~~with the~~
22 ~~digitized signature in the qualified voter file.~~ If the qualified
23 ~~voter file does not contain a digitized signature of an elector, or~~
24 ~~is not accessible to the clerk, the city or township clerk shall~~
25 ~~compare the signature appearing on the application for an absent~~
26 ~~voter ballot to the signature contained on the master card. If~~
27 ~~before 8 p.m. on the day before election day~~ **using the procedures**
28 **required under section 766a.** If the clerk of a city or township
29 rejects an absent voter ballot application because the signature on

1 the absent voter ballot application does not agree sufficiently
2 with the signature on ~~the master card or the digitized signature~~
3 ~~contained in the qualified voter file so as to identify the elector~~
4 **file** or because the elector failed to sign the absent voter ballot
5 application, ~~the city or township clerk shall as soon as~~
6 ~~practicable, but in no event later than 48 hours after determining~~
7 ~~the signatures do not agree sufficiently or that the signature is~~
8 ~~missing, or by 8 p.m. on the day before election day, whichever~~
9 ~~occurs first, notify the elector of the rejection by mail,~~
10 ~~telephone, or electronic mail.~~**the applicant must be provided notice**
11 **and the opportunity to cure the deficiency as provided under**
12 **section 766a. The notice must inform the applicant that the**
13 **applicant must cure the deficiency by 4 p.m. on the fourth day**
14 **before the election in order to receive an absent voter ballot by**
15 **first-class mail. If the applicant cures the deficiency as provided**
16 **under section 766a by 4 p.m. on the fourth day before the election,**
17 **the clerk must immediately send an absent voter ballot and a**
18 **postage prepaid absent voter ballot return envelope to the**
19 **applicant as provided under subsection (1).**

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

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

17 **(3) Except as otherwise provided in this subsection, and**
18 **except for ballots delivered pursuant to an emergency absent voter**
19 **ballot application under section 759b, absent voter ballots must be**
20 **mailed or delivered to the applicant at the applicant's**
21 **registration address unless the applicant requests that the absent**
22 **voter ballot be sent to a different address as provided on the**
23 **applicant's absent voter ballot application. In addition, a clerk**
24 **may mail or deliver an absent voter ballot, on request of the**
25 **applicant, to a post office box if the post office box is where the**
26 **applicant normally receives personal mail and the applicant does**
27 **not receive mail at the applicant's registration address. Subject**
28 **to subsections (6) and (7), an absent voter ballot may be delivered**
29 **to an applicant in person at the clerk's office.**

1 returned to the clerk or an assistant of the clerk by me
2 personally; by public postal service, express mail service, parcel
3 post service, or other common carrier; by a member of my immediate
4 family; or by ~~a person~~**an individual** residing in my household.

5 DATE: _____ SIGN HERE X _____

6 Signature of Absent Voter

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

8 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
9 OF A MISDEMEANOR.

10 =====

11 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
12 BY ANOTHER ~~PERSON~~**INDIVIDUAL**

13 I assisted the above named absent voter who is disabled or
14 otherwise unable to mark the ballot in marking ~~his or her~~**the**
15 **absent voter's** absent voter ballot pursuant to ~~his or her~~**the**
16 **absent voter's** directions. The absent voter ballot was inserted in
17 the return envelope without being exhibited to any other
18 ~~person~~**individual**.

19 _____
20 Signature of Street Address City or Township
21 ~~Person~~**Individual**
22 Assisting Voter or R.R.

23 _____
24 Printed Name of ~~Person~~**Individual** Assisting Voter

25 ~~A PERSON~~**AN INDIVIDUAL** WHO ASSISTS AN ABSENT VOTER AND WHO
26 KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

27 =====

28 WARNING
29 ~~PERSONS~~**INDIVIDUALS** WHO CAN LEGALLY BE IN POSSESSION OF AN

1 ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE
 2 ABSENT VOTER; ~~A PERSON~~**AN INDIVIDUAL** WHO IS A MEMBER OF THE ABSENT
 3 VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD
 4 AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A
 5 ~~PERSON~~**AN INDIVIDUAL** WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING,
 6 OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL
 7 SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING
 8 THE NORMAL COURSE OF HIS ~~OR HER~~**THE INDIVIDUAL'S** EMPLOYMENT; AND
 9 THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION
 10 OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER ~~PERSON~~**INDIVIDUAL** IN
 11 POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

12 (5) An absent voter who knowingly makes a false statement on
 13 the absent voter ballot return envelope is guilty of a misdemeanor.
 14 ~~A person~~**An individual** who assists an absent voter and who
 15 knowingly makes a false statement on the absent voter ballot return
 16 envelope is guilty of a felony.

17 ~~(6) If an elector obtains his or her absent voter ballot in~~
 18 ~~person from the clerk of the city or township in which he or she is~~
 19 ~~registered, the clerk of the city or township shall not provide an~~
 20 ~~absent voter ballot to that elector until the elector identifies~~
 21 ~~himself or herself to the clerk by presenting identification for~~
 22 ~~election purposes. If an elector does not have identification for~~
 23 ~~election purposes, the elector may sign an affidavit to that effect~~
 24 ~~before the clerk of the city or township and be allowed to obtain~~
 25 ~~his or her absent voter ballot in person from the clerk. The clerk~~
 26 ~~of the city or township shall indicate to each elector who is~~
 27 ~~registered in that city or township and who obtains his or her~~
 28 ~~absent voter ballot in person from the clerk that the elector may~~
 29 ~~sign an affidavit indicating that the elector does not have~~

1 ~~identification for election purposes in order to obtain his or her~~
2 ~~absent voter ballot in person from the clerk. However, if an~~
3 ~~elector obtains his or her absent voter ballot in person from the~~
4 ~~clerk and votes by absent voter ballot without providing~~
5 ~~identification for election purposes required under this~~
6 ~~subsection, the absent voter ballot of that elector must be~~
7 ~~prepared as a challenged ballot as provided in section 727 and must~~
8 ~~be counted as any other ballot is counted unless determined~~
9 ~~otherwise by a court of law under section 747 or 748 or any other~~
10 ~~applicable law.~~

11 (6) If an elector applies for an absent voter ballot in person
12 at a clerk's office before 4 p.m. on the day before election day,
13 the city or township clerk shall not issue an absent voter ballot
14 to that elector until the elector presents identification for
15 election purposes. If an elector does not have identification for
16 election purposes, the clerk shall inform the elector that the
17 elector must sign an affidavit to that effect in front of the clerk
18 before an absent voter ballot will be issued in person to that
19 elector. If an elector signs an affidavit under this subsection,
20 the clerk shall issue an absent voter ballot to that elector.
21 Except as otherwise provided in this subsection and subsection (7),
22 a clerk shall not issue an absent voter ballot in person to any
23 elector after 4 p.m. on the day before election day. An elector who
24 is in line at 4 p.m. on the day before election day must be issued
25 an absent voter ballot. This subsection also applies to an
26 individual who submits an absent voter ballot application by means
27 other than in person at a clerk's office, but who receives that
28 individual's absent voter ballot in the clerk's office.

29 (7) An individual who registers to vote or who updates the

1 individual's voter registration on election day in accordance with
 2 section 497 may apply for and complete an absent voter ballot in
 3 person at a clerk's office on election day. The individual shall
 4 receive the absent voter ballot, mark the absent voter ballot in a
 5 clerk's office, and return the absent voter ballot to the clerk in
 6 the absent voter ballot return envelope. An individual who is in
 7 line to register to vote or to update the individual's voter
 8 registration at 8 p.m. on election day must be permitted to
 9 register to vote or update the individual's voter registration,
 10 apply for an absent voter ballot, and vote the absent voter ballot
 11 after 8 p.m., including after midnight on election day if
 12 necessary. An individual who registers to vote on election day and
 13 who is in line to apply for an absent voter ballot at 8 p.m. on
 14 election day must be permitted to apply for an absent voter ballot
 15 and vote the absent voter ballot after 8 p.m., including after
 16 midnight on election day if necessary.

17 Sec. 766. (1) ~~Upon~~ **On** receipt ~~from the city or township clerk~~
 18 of any envelope containing the marked ballot ~~or ballots~~ of an
 19 absent voter, the ~~board of inspectors of election~~ **city or township**
 20 **clerk** shall ~~verify the legality of the vote by doing~~ **determine**
 21 **whether the ballot is approved for tabulation by verifying** both of
 22 the following:

23 ~~(a) Examining the digitized signature for the absent voter~~
 24 ~~included in the qualified voter file under section 509q or the~~
 25 ~~registration record as provided in subsection (2) to see that the~~
 26 ~~person has not voted in person, that he or she is a registered~~
 27 ~~voter, and that the signature on the statement agrees with the~~
 28 ~~signature on the registration record.~~

29 ~~(b) Examining the statement of the voter to see that it is~~

1 ~~properly executed.~~

2 ~~(2) The qualified voter file must be used to determine the~~
3 ~~genuineness of a signature on an envelope containing an absent~~
4 ~~voter ballot. Signature comparisons must be made with the digitized~~
5 ~~signature in the qualified voter file. If the qualified voter file~~
6 ~~does not contain a digitized signature of an elector, or is not~~
7 ~~accessible to the clerk, the city or township clerk shall compare~~
8 ~~the signature appearing on an envelope containing an absent voter~~
9 ~~ballot to the signature contained on the master card.~~

10 (a) The elector is a registered elector and has not voted in
11 person in that election.

12 (b) Using the procedures required under section 766a, the
13 signature on the absent voter ballot return envelope agrees
14 sufficiently with the elector's signature on file.

15 (2) Subject to section 510(8), if the city or township clerk
16 verifies the information in subsection (1)(a) and (b), the clerk
17 shall approve the absent voter ballot for tabulation and record in
18 the qualified voter file that the absent voter ballot has been
19 approved for tabulation. Subject to subsection (3), if the city or
20 township clerk is not able to verify the information in subsection
21 (1)(a) and (b), the clerk must reject the absent voter ballot
22 return envelope.

23 (3) If a city or township clerk rejects an absent voter ballot
24 return envelope because the signature on the absent voter ballot
25 return envelope is missing or does not agree sufficiently with the
26 elector's signature on file, the elector must be permitted an
27 opportunity to cure the deficiency as provided under section 766a
28 until 5 p.m. on the third day following the election in order for
29 the absent voter ballot, if otherwise valid, to be accepted for

1 tabulation.

2 (4) If an absent voter ballot return envelope that is eligible
3 to be cured is not cured by the close of polls on election day,
4 that absent voter ballot return envelope must be retained at the
5 clerk's office, and must not be turned over to the board of
6 election inspectors or to an absent voter counting board. An absent
7 voter ballot return envelope that is cured after the close of the
8 polls on election day, but before 5 p.m. on the third day following
9 the election, must be accepted and the ballot tabulated if the
10 elector has not voted in person in that election. An absent voter
11 ballot return envelope that is not cured by 5 p.m. on the third day
12 following the election remains rejected.

13 (5) On receipt of a cure form, as provided under section 766a,
14 that resolves the signature deficiency on an elector's absent voter
15 ballot return envelope, the clerk shall approve the ballot for
16 tabulation.

17 (6) Not later than the sixth day after election day, each city
18 or township clerk shall deliver the absent voter ballot return
19 envelopes that have been cured under subsection (4) to the county
20 clerk in a ballot container. The absent voter ballots in these
21 cured absent voter ballot return envelopes shall be tabulated by
22 the county clerk in a meeting of the board of county canvassers.

23 Sec. 766a. (1) A clerk may determine that a signature on an
24 elector's absent voter ballot application or absent voter ballot
25 envelope does not agree sufficiently with the signature on file
26 only after reviewing the signature using the process set forth in
27 this section.

28 (2) An elector's signature is invalid only if it differs in
29 significant and obvious respects from the elector's signature on

1 file. Slight dissimilarities must be resolved in favor of the
2 elector. Exact signature matches are not required to determine that
3 a signature agrees sufficiently with the signature on file.

4 (3) If a clerk determines that the elector's signature on the
5 absent voter ballot application or absent voter ballot return
6 envelope is missing or does not agree sufficiently with the
7 signature on file, the clerk shall reject the absent voter ballot
8 application or absent voter ballot return envelope and provide the
9 elector with notice and the opportunity to cure the deficiency as
10 provided in this section. The clerk shall notify the elector of all
11 of the following:

12 (a) The nature of the deficiency and that the deficiency has
13 resulted in the rejection of the elector's absent voter ballot
14 application or absent voter ballot return envelope.

15 (b) The need to cure the deficiency in order for the absent
16 voter ballot application to be accepted or for the absent voter
17 ballot to be tabulated.

18 (c) How to cure the deficiency.

19 (d) The deadline for curing the deficiency.

20 (e) The alternative methods of voting if the deficiency is not
21 cured.

22 (4) The clerk shall notify the elector of the deficiency
23 described in subsection (3) within the deadlines specified under
24 section 766b. The clerk must notify the elector by telephone,
25 email, or text message, if available. In the absence of the
26 elector's telephone number or email address, the clerk must notify
27 the elector by United States mail. The clerk may also provide
28 notice to the elector by any other available methods of contact.
29 Electronic notification of the rejection of the absent voter ballot

1 application or absent voter ballot return envelope under section
2 764c that provides the information required by this section
3 constitutes sufficient notification to the elector.

4 (5) An elector may cure a deficiency described in subsection
5 (3) by completing and submitting a cure form. The secretary of
6 state shall prescribe the content and requirements of the cure
7 form. An elector shall be permitted to receive and return a cure
8 form electronically, in person, or by mail with postage prepaid as
9 a supplement to the prepaid postage for the absent voter ballot
10 application or absent voter ballot return envelope. The city or
11 township clerk in which the elector is registered may physically
12 collect a cure form from the elector. A cure form must provide the
13 elector the option to cure a deficiency in the elector's absent
14 voter ballot application or absent voter ballot return envelope by
15 signing the statement required for the absent voter ballot
16 application or absent voter ballot return envelope under section
17 759 or 761. The secretary of state shall modify the statements to
18 reflect that the elector is signing a cure form for the absent
19 voter ballot application or absent voter ballot return envelope
20 rather than the original absent voter ballot application or absent
21 voter ballot return envelope. An elector must be permitted to
22 submit an electronic image of the elector's physical signature in
23 lieu of a physical signature for a cure form returned
24 electronically. A clerk shall accept a cure form submitted under
25 this subsection if the signature on the cure form agrees
26 sufficiently with the signature on file, using the process as
27 provided in this section. If the clerk determines that the
28 signature on the cure form does not agree sufficiently with the
29 signature on file, the clerk shall reject the cure form and contact

1 the elector to provide information on other options to cure the
2 deficiency and to provide the alternative methods of voting
3 available for that election.

4 (6) The secretary of state may issue instructions to clerks to
5 provide electors with other options, other than by providing a
6 signature under subsection (5), to cure the deficiency in the
7 elector's absent voter ballot application or absent voter ballot
8 return envelope.

9 (7) As used in this chapter, "signature on file" means 1 of
10 the following:

11 (a) Any signature of an elector contained in the qualified
12 voter file.

13 (b) If the qualified voter file does not contain a copy of an
14 elector's digitized signature, or is not accessible, the signature
15 of the elector contained on the master card.

16 (c) Only for purposes of the signature comparison conducted
17 under section 766 for an elector's absent voter ballot envelope,
18 the signature on the elector's absent voter ballot application.

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

1 business day following the receipt of the absent voter ballot
2 application or absent voter ballot return envelope.

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

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

21 (4) If an absent voter ballot application or absent voter
22 ballot return envelope comes into the physical control of the
23 clerk's office before or during the clerk's scheduled business
24 hours on a day, that absent voter ballot application or absent
25 voter ballot return envelope is considered received by the clerk on
26 that day. If an absent voter ballot application or absent voter
27 ballot return envelope comes into the physical control of the
28 clerk's office after the end of the clerk's scheduled business
29 hours on a day, or if the absent voter ballot application or absent

1 voter ballot return envelope comes into the physical control of the
2 clerk's office on a day on which the clerk does not have scheduled
3 business hours, that absent voter ballot application or absent
4 voter ballot return envelope is considered received by the clerk on
5 the first subsequent day on which the clerk has scheduled business
6 hours.

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

18 (6) An absent voter ballot return envelope that is collected
19 by an election official through the procedure provided under
20 764b(4) or (5) is considered received when the election official
21 comes into physical possession of the absent voter ballot return
22 envelope.

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

26 Enacting section 1. Section 759c of the Michigan election law,
27 1954 PA 116, MCL 168.759c, is repealed.

28 Enacting section 2. This amendatory act does not take effect
29 unless all of the following bills of the 102nd Legislature are

1 enacted into law:

2 (a) House Bill No. 4594.

3 (b) Senate Bill No. _____ or House Bill No. 4756 (request no.
4 03399'23).