

# HOUSE BILL NO. 4210

March 08, 2023, Introduced by Reps. Glanville, Morgan, Brabec, Tyrone Carter, Arbit, MacDonell, Rogers, Andrews, Wilson, VanderWall, Cavitt, Koleszar, Conlin, Fitzgerald, Hoskins, Hood, Churches, Skaggs, Snyder, O'Neal, Mentzer, Steckloff, Rheingans, Byrnes, Brixie, Young, Markkanen, Coffia, Coleman, Brenda Carter, Tsernoglou and Aiyash and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759a (MCL 168.759a), as amended by 2022 PA 197;  
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

1 department of state, bureau of elections, is responsible for  
2 disseminating information on the procedures for registering and  
3 voting to an absent uniformed services voter and an overseas voter.

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

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

21 (4) An absent uniformed services voter or an overseas voter,  
22 whether or not registered to vote, may apply for an absent voter  
23 ballot. Upon receipt of an application for an absent voter ballot  
24 under this section that complies with this act, a county, city, or  
25 township clerk shall forward to the applicant the absent voter  
26 ballots requested, the forms necessary for registration, and  
27 instructions for completing the forms. If the ballots are not yet  
28 available at the time of receipt of the application, the clerk  
29 shall immediately forward to the applicant the registration forms

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

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

24 (6) Upon the request of an absent uniformed services voter or  
25 overseas voter, the clerk of a county, city, or township shall  
26 electronically transmit an absent voter ballot to the voter. Except  
27 as otherwise provided in this subsection, the voter shall print the  
28 absent voter ballot and return the voted ballot by mail to the  
29 appropriate clerk. ~~Subject to subsection (17), beginning January 1,~~

1 ~~2024, a member of a uniformed service on active duty, by reason of~~  
 2 ~~being on active duty, or a member of the merchant marine, by reason~~  
 3 ~~of service in the merchant marine, who is absent from the United~~  
 4 ~~States and does not expect to return to the residence where the~~  
 5 ~~member is otherwise qualified to vote before an election. **An**~~  
 6 **eligible member** may electronically return a voted ballot to the  
 7 appropriate city or township clerk to be counted under the ~~rules~~  
 8 ~~promulgated~~ **policies and procedures established** by the secretary of  
 9 state as set forth in subsection (17).

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

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

1 absent voter ballot may be compromised during the duplication  
2 process. The absent voter ballot instructions provided to an absent  
3 uniformed services voter or overseas voter must include the proper  
4 procedures for returning the absent voter ballot to the appropriate  
5 clerk.

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

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

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

1 (12) Under the uniformed and overseas citizens absentee voting  
2 act, the state director of elections shall approve a ballot form  
3 and registration procedures for absent uniformed services voters  
4 and overseas voters.

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

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

27 (b) Make the ballot information, including the offices, names  
28 of candidates, and ballot proposals, for each election available to  
29 absent uniformed services voters and overseas voters on an internet

1 website maintained by the department of state.

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

1 of that city or township.

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

10 (16) The secretary of state shall order a city or township  
11 clerk to extend the ballot receipt deadline for any absentee voter  
12 ballots under this section that were not transmitted to an absent  
13 uniformed services voter or overseas voter in compliance with  
14 subsection (5). The extension must equal the total number of days  
15 beyond the deadline as provided in subsection (5) that the city or  
16 township clerk transmitted the requested absentee voter ballots.  
17 These absentee voter ballots received during the extension time  
18 must be counted and tabulated for the final results of the election  
19 provided that the absentee voter ballots are executed and sent by  
20 the close of the polls on election day. The election may be  
21 formally certified before the end of the extension time if the  
22 number of outstanding absentee voter ballots under this subsection  
23 will not alter the outcome of the election.

24 ~~(17) The secretary of state shall promulgate rules that~~  
25 ~~establish policies and procedures for the electronic return of~~  
26 ~~voted ballots by eligible members. In promulgating rules that~~  
27 ~~establish the policies and procedures for the electronic return of~~  
28 ~~voted ballots by eligible members, the secretary of state shall~~  
29 ~~require an eligible member to use a United States Department of~~



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

**24 (17) The secretary of state shall promulgate rules that  
25 establish policies and procedures by which an eligible member may  
26 electronically return the eligible member's voted ballot to the  
27 appropriate city or township clerk. The policies and procedures  
28 established by the secretary of state must do all of the following:**

**29 (a) Ensure that the signature on the electronically returned**

1 ballot agrees with the signature of the eligible member on file.

2 (b) Include additional security features considered  
3 appropriate by the secretary of state to ensure and verify the  
4 integrity and secrecy of voted ballots returned electronically by  
5 eligible members.

6 (c) Ensure that an absent voter ballot voted by an eligible  
7 member is considered received on election day if the absent voter  
8 ballot is received electronically by 8 p.m. by the city or township  
9 clerk on election day.

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

16 (e) Ensure that an eligible member is actually absent from the  
17 United States.

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

20 (18) The secretary of state may develop and maintain a secure  
21 web portal on the secretary of state's website to facilitate the  
22 electronic return of voted ballots by eligible members.

23 (19) ~~(18)~~As used in this section:

24 (a) "Absent uniformed services voter" means any of the  
25 following:

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

29 (ii) A member of the merchant marine who, by reason of service

1 in the merchant marine, is absent from the place of residence where  
2 the member is otherwise qualified to vote.

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

7 (b) "Eligible member" means a member of a uniformed service on  
8 active duty, by reason of being on active duty, or the member's  
9 spouse, or a member of the merchant marine, by reason of service in  
10 the merchant marine, or the member's spouse, who is absent from the  
11 United States and who does not expect to return to the residence  
12 from where the member or spouse is otherwise qualified to vote  
13 before an election.

14 (c) ~~(b)~~—"Member of the merchant marine" means an individual,  
15 other than a member of a uniformed service or an individual  
16 employed, enrolled, or maintained on the Great Lakes or the inland  
17 waterways, who is either of the following:

18 (i) Employed as an officer or crew member of a vessel  
19 documented under the laws of the United States, a vessel owned by  
20 the United States, or a vessel of foreign-flag registry under  
21 charter to or control of the United States.

22 (ii) Enrolled with the United States for employment or training  
23 for employment, or maintained by the United States for emergency  
24 relief service, as an officer or crew member of a vessel documented  
25 under the laws of the United States, a vessel owned by the United  
26 States, or a vessel of foreign-flag registry under charter to or  
27 control of the United States.

28 (d) ~~(c)~~—"Overseas voter" means any of the following:

29 (i) An absent uniformed services voter who, by reason of active

1 duty or service, is absent from the United States on the date of an  
2 election.

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

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

10 (e) ~~(d)~~—"Uniformed services" means the Army, Navy, Air Force,  
11 Marine Corps, Space Force, or Coast Guard, the Commissioned Corps  
12 of the Public Health Service, the Commissioned Corps of the  
13 National Oceanic and Atmospheric Administration, a reserve  
14 component of a uniformed service, or the Michigan National Guard as  
15 that term is defined in section 105 of the Michigan military act,  
16 1967 PA 150, MCL 32.505.

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