

**SUBSTITUTE FOR
HOUSE BILL NO. 4567**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 497 and 761 (MCL 168.497 and 168.761), section
497 as amended by 2018 PA 603 and section 761 as amended by 2020 PA
302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 497. (1) An individual who is not registered to vote but
2 possesses the qualifications of an elector as provided in section
3 492 may apply for registration to the clerk of the county,
4 township, or city in which ~~he or she~~ **the individual** resides in
5 person, during the clerk's regular business hours, or by mail or
6 online until the fifteenth day before an election.

7 (2) An individual who is not registered to vote but possesses



1 the qualifications of an elector as provided in section 492 or an
2 individual who is not registered to vote in the city or township in
3 which ~~he or she~~ **the individual** is registering to vote may apply for
4 registration in person at the city or township clerk's office of
5 the city or township in which ~~he or she~~ **the individual** resides from
6 the fourteenth day before an election and continuing through the
7 day of the election. An individual who applies to register to vote
8 under this subsection must provide to the city or township clerk
9 proof of residency in that city or township. For purposes of this
10 subsection, "proof of residency" includes, subject to subsection
11 (3), any of the following:

12 (a) An operator's or chauffeur's license issued under the
13 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an
14 enhanced driver license issued under the enhanced driver license
15 and enhanced official state personal identification **card** act, 2008
16 PA 23, MCL 28.301 to 28.308.

17 (b) An official state personal identification card issued
18 under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official
19 state personal identification card issued under the enhanced driver
20 license and enhanced official state personal identification card
21 act, 2008 PA 23, MCL 28.301 to 28.308.

22 (3) If an applicant for voter registration under subsection
23 (2) does not have proof of residency as that term is defined in
24 subsection (2), the applicant may provide as ~~his or her~~ **the**
25 **applicant's** proof of residency any other form of identification for
26 election purposes as that term is defined in section 2 and 1 of the
27 following documents that contains the applicant's name and current
28 residence address:

29 (a) A current utility bill.



1 (b) A current bank statement.

2 (c) A current paycheck, government check, or other government
3 document.

4 (4) If an applicant for voter registration under subsection
5 (2) does not have identification for election purposes, the
6 applicant may register to vote if ~~he or she~~ **the applicant** signs an
7 affidavit indicating that the applicant does not have
8 identification for election purposes and the applicant provides 1
9 of the following documents that contains the applicant's name and
10 current residence address:

11 (a) A current utility bill.

12 (b) A current bank statement.

13 (c) A current paycheck, government check, or other government
14 document.

15 (5) Immediately after approving a voter registration
16 application, the city or township clerk shall provide to the
17 individual registering to vote a voter registration receipt that is
18 in a form as approved by the secretary of state. ~~If an individual
19 registers to vote in person 14 days or less before an election or
20 registers to vote on election day, and that applicant registers to
21 vote under subsection (3) or (4), the ballot of that elector must
22 be prepared as a challenged ballot as provided in section 727 and
23 must be counted as any other ballot is counted unless determined
24 otherwise by a court of law under section 747 or 748 or any other
25 applicable law.~~

26 (6) Except as otherwise provided in sections 500a to 500e and
27 509v, an application for registration must not be executed at a
28 place other than the office of the county, township, or city clerk
29 or a public place or places designated by the clerk or deputy



1 registrar for receiving registrations, but the clerk or deputy
 2 registrar may receive an application wherever ~~he or she~~ **the clerk**
 3 **or deputy registrar** may be. If a county, township, or city clerk
 4 does not regularly keep ~~his or her~~ **the clerk's** office open daily
 5 during certain hours, the clerk is not required to be at ~~his or her~~
 6 **the clerk's** office for the purpose of receiving applications for
 7 registration on a particular day nor during specific hours of a
 8 day, except as provided in section 498. If an individual registers
 9 to vote with the secretary of state during the 14 days before the
 10 day of an election by mail, online, or by automatic voter
 11 registration, as described in section 493a, the individual must be
 12 given a notice on a form developed by the secretary of state
 13 informing the individual that ~~he or she~~ **the individual** is not
 14 eligible to vote in the next election unless ~~he or she~~ **the**
 15 **individual** applies in person at ~~his or her~~ **the individual's** city or
 16 township clerk's office as provided in subsection (2). Except as
 17 provided in sections 500a to 500e, the provisions of this section
 18 relating to registration apply.

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



1 to the applicant. If the clerk of a city or township receives an
2 application for an absent voter ballot from an applicant who is a
3 program participant, as that term is defined in **section 3 of the**
4 **address confidentiality program act, 2020 PA 301, MCL 780.853**, then
5 the city or township clerk shall mail an absent voter ballot to
6 that program participant at the designated address provided to that
7 program participant by the department of the attorney general under
8 the address confidentiality program act, **2020 PA 301, MCL 780.851**
9 **to 780.873**. Subject to the identification requirement in subsection
10 (6), absent voter ballots may be delivered to an applicant in
11 person at the office of the clerk.

12 (2) The qualified voter file must be used to determine the
13 genuineness of a signature on an application for an absent voter
14 ballot. Signature comparisons must be made with the digitized
15 signature in the qualified voter file. If the qualified voter file
16 does not contain a digitized signature of an elector, or is not
17 accessible to the clerk, the city or township clerk shall compare
18 the signature appearing on the application for an absent voter
19 ballot to the signature contained on the master card. If before 8
20 p.m. on the day before election day the clerk of a city or township
21 rejects an absent voter ballot application because the signature on
22 the absent voter ballot application does not agree sufficiently
23 with the signature on the master card or the digitized signature
24 contained in the qualified voter file so as to identify the elector
25 or because the elector failed to sign the absent voter ballot
26 application, the city or township clerk shall as soon as
27 practicable, but ~~in no event~~ **not** later than 48 hours after
28 determining the signatures do not agree sufficiently or that the
29 signature is missing, or by 8 p.m. on the day before election day,



1 whichever occurs first, notify the elector of the rejection by
2 mail, telephone, or ~~electronic mail.~~**email.**

3 (3) Subject to the identification requirement in subsection
4 (6) and except as otherwise provided in this subsection, ~~a person~~
5 **an individual** may apply in person at the clerk's office before 8
6 p.m. on election day to vote as an absent voter. Except as
7 otherwise provided in subsection (2), only an individual who is not
8 a registered elector, or an individual who is not registered to
9 vote in the city or township in which ~~he or she~~**the individual** is
10 registering to vote, and who registers to vote on election day in
11 person with the clerk of the city or township in which the
12 individual resides may apply for and complete an absent voter
13 ballot in person at the clerk's office on election day. Except as
14 otherwise provided in subsection (2), the clerk of a city or
15 township shall not issue an absent voter ballot to a registered
16 elector in that city or township after 4 p.m. on the day before the
17 election. The applicant shall receive ~~his or her~~**the applicant's**
18 absent voter ballot and vote the ballot in the clerk's office. All
19 other absent voter ballots, except ballots delivered pursuant to an
20 emergency absent voter ballot application under section 759b, must
21 be mailed or delivered to the registration address of the applicant
22 unless the application requests delivery to an address outside the
23 city or township or to a hospital or similar institution, in which
24 case the absent voter ballots must be mailed or delivered to the
25 address given in the application. However, a clerk may mail or
26 deliver an absent voter ballot, ~~upon~~**on** request of the absent
27 voter, to a post office box if the post office box is where the
28 absent voter normally receives personal mail and the absent voter
29 does not receive mail at ~~his or her~~**the absent voter's** registration



1 address.

2 (4) Absent voter ballots must be issued in the same order in
3 which applications are received by the clerk of a city, township,
4 or village, as nearly as may be, and each ballot issued must bear
5 the lowest number of each kind available for this purpose. However,
6 this provision does not prohibit a clerk from immediately issuing
7 an absent voter ballot to an absent voter who applies in person in
8 the clerk's office for absent voter ballots. The clerk shall
9 enclose with the ballot or ballots a return envelope properly
10 addressed to the clerk and bearing ~~upon~~**on** the back of the envelope
11 a printed statement in substantially the following form:

12 TO BE COMPLETED

13 BY THE CLERK

14	_____	_____
15	Name of Voter	Street Address or R.R. or
16		Program Participant
17		Identification Number
18	_____	_____
19	City or Township	County
20	Ward _____ Precinct _____	Date of Election _____

21 =====

22 TO BE COMPLETED BY THE ABSENT VOTER

23 I assert that I am a United States citizen and a qualified and
24 registered elector of the city or township named above. I am voting
25 as an absent voter in conformity with state election law. Unless
26 otherwise indicated below, I personally marked the ballot enclosed
27 in this envelope without exhibiting it to any other
28 ~~person.~~**individual.**

29



1 I further assert that this absent voter ballot is being
2 returned to the clerk or an assistant of the clerk by me
3 personally; by public postal service, express mail service, parcel
4 post service, or other common carrier; by a member of my immediate
5 family; or by ~~a person~~**an individual** residing in my household.

6 DATE: _____ SIGN HERE X _____

7 Signature of Absent Voter

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

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

11 =====

12 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

13 BY ANOTHER ~~PERSON~~**INDIVIDUAL**

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

20 _____

21 Signature of Street Address City or Township

22 ~~Person~~**Individual**

23 Assisting Voter or R.R.

24 _____

25 Printed Name of ~~Person~~**Individual** Assisting Voter

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

29



1 =====

2 WARNING

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

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

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



1 ballot in person from the clerk. The clerk of the city or township
2 shall indicate to each elector who is registered in that city or
3 township and who obtains ~~his or her~~ **the elector's** absent voter
4 ballot in person from the clerk that the elector may sign an
5 affidavit indicating that the elector does not have identification
6 for election purposes in order to obtain ~~his or her~~ **the elector's**
7 absent voter ballot in person from the clerk. ~~However, if an~~
8 ~~elector obtains his or her absent voter ballot in person from the~~
9 ~~clerk and votes by absent voter ballot without providing~~
10 ~~identification for election purposes required under this~~
11 ~~subsection, the absent voter ballot of that elector must be~~
12 ~~prepared as a challenged ballot as provided in section 727 and must~~
13 ~~be counted as any other ballot is counted unless determined~~
14 ~~otherwise by a court of law under section 747 or 748 or any other~~
15 ~~applicable law.~~

