

# HOUSE BILL NO. 5991

July 23, 2020, Introduced by Reps. Rabhi, Hammoud, Stone, Pohutsky, Sowerby, Brenda Carter, Camilleri, Cherry, Sneller, Hoadley, Lasinski, Bolden, Brixie, Pagan, Yancey, Hope, Gay-Dagnogo and Koleszar and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 759, 761, 765a, 766, and 767 (MCL 168.759, 168.761, 168.765a, 168.766, and 168.767), sections 759 and 761 as amended by 2018 PA 603, section 765a as added by 2018 PA 123, section 766 as amended by 2018 PA 120, and section 767 as amended by 2005 PA 71, and by adding sections 766a and 766b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**



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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  
7 send by first-class mail an absent voter ballot to an elector after  
8 5 p.m. on the Friday immediately before the election. ~~In addition,~~  
9 **Except as otherwise provided in section 766a,** the clerk of a city  
10 or township shall not issue an absent voter ballot to a registered  
11 elector in that city or township after 4 p.m. on the day before the  
12 election. An application received before a primary or special  
13 primary may be for either that primary only, or for that primary  
14 and the election that follows. An individual may submit a voter  
15 registration application and an absent voter ballot application at  
16 the same time if applying in person with the clerk or deputy clerk  
17 of the city or township in which the individual resides.  
18 Immediately after his or her voter registration application and  
19 absent voter ballot application are approved by the clerk or deputy  
20 clerk, the individual may, subject to the identification  
21 requirement in section 761(6), complete an absent voter ballot at  
22 the clerk's office.

23           (2) Except as otherwise provided in subsection (1) and subject  
24 to section 761(3), at any time during the 75 days before an  
25 election, but not later than 8 p.m. on the day of an election, an  
26 elector may apply for an absent voter ballot. The elector shall  
27 apply in person or by mail with the clerk of the township, city, or  
28 village in which the voter is registered. The clerk of a city or  
29 township shall not send by first-class mail an absent voter ballot



1 to an elector after 5 p.m. on the Friday immediately before the  
2 election. ~~In addition,~~ **Except as otherwise provided in section**  
3 **766a**, the clerk of a city or township shall not issue an absent  
4 voter ballot to a registered elector in that city or township after  
5 4 p.m. on the day before the election. An individual may submit a  
6 voter registration application and an absent voter ballot  
7 application at the same time if applying in person with the clerk  
8 or deputy clerk of the city or township in which the individual  
9 resides. Immediately after his or her voter registration  
10 application and absent voter ballot application are approved by the  
11 clerk, the individual may, subject to the identification  
12 requirement in section 761(6), complete an absent voter ballot at  
13 the clerk's office.

14 (3) An application for an absent voter ballot under this  
15 section may be made in any of the following ways:

16 (a) By a written request signed by the voter.

17 (b) On an absent voter ballot application form provided for  
18 that purpose by the clerk of the city or township.

19 (c) On a federal postcard application.

20 (4) An applicant for an absent voter ballot shall sign the  
21 application. ~~A~~ **Subject to section 766a**, a clerk or assistant clerk  
22 shall not deliver an absent voter ballot to an applicant who does  
23 not sign the application. A person shall not be in possession of a  
24 signed absent voter ballot application except for the applicant; a  
25 member of the applicant's immediate family; a person residing in  
26 the applicant's household; a person whose job normally includes the  
27 handling of mail, but only during the course of his or her  
28 employment; a registered elector requested by the applicant to  
29 return the application; or a clerk, assistant of the clerk, or



1 other authorized election official. A registered elector who is  
2 requested by the applicant to return his or her absent voter ballot  
3 application shall sign the certificate on the absent voter ballot  
4 application.

5 (5) The clerk of a city or township shall have absent voter  
6 ballot application forms available in the clerk's office at all  
7 times and shall furnish an absent voter ballot application form to  
8 anyone upon a verbal or written request. The absent voter ballot  
9 application must be in substantially the following form:

10 "Application for absent voter ballot for:

11 [ ] The primary or special primary election to be held on  
12 \_\_\_\_\_ (Date).

13 [ ] The election to be held on \_\_\_\_\_ (Date).

14 (Check applicable election or elections)

15 I, ..... , a United States  
16 citizen and a qualified and registered elector of the .....  
17 precinct of the township of ..... or of the .....  
18 ward of the city of ..... , in the  
19 county of ..... and state of Michigan,  
20 apply for an official ballot, or ballots, to be voted by me at the  
21 election or elections as requested in this application.

22 Send absent voter ballot to me at:

23 .....

24 (Street No. or R.R.)

25 .....

26 (Post Office) (State) (Zip Code)

27 My registered address .....

28 (Street No. or R.R.)

29 .....



1 (Post Office) (State) (Zip Code)

2 Date.....

3 I certify that I am a United States citizen and that  
4 the statements in this absent voter ballot  
5 application are true.

6 .....  
7 (Signature)

8 WARNING

9 You must be a United States citizen to vote. If you are not a  
10 United States citizen, you will not be issued an absent voter  
11 ballot.

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

23 Certificate of Authorized Registered  
24 Elector Returning Absent Voter  
25 Ballot Application

26 I certify that my name is ..... , my address is  
27 ..... , and my date of birth is ..... ; that  
28 I am delivering the absent voter ballot application of  
29 ..... at his or her request; that I did not solicit



1 or request to return the application; that I have not made any  
2 markings on the application; that I have not altered the  
3 application in any way; that I have not influenced the applicant;  
4 and that I am aware that a false statement in this certificate is a  
5 violation of Michigan election law.

6 \_\_\_\_\_  
7 (Date) (Signature)"

8 (6) The following instructions for an applicant for an absent  
9 voter ballot must be included with each application furnished an  
10 applicant:

11 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

12 Step 1. After completely filling out the application, sign and  
13 date the application in the place designated. Your signature must  
14 appear on the application or you will not receive an absent voter  
15 ballot.

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

17 (a) Place the application in an envelope addressed to the  
18 appropriate clerk and place the necessary postage upon the return  
19 envelope and deposit it in the United States mail or with another  
20 public postal service, express mail service, parcel post service,  
21 or common 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 residing in the voter's household may mail  
28 or deliver the application to the clerk for the applicant.

29 (d) If an applicant cannot return the application in any of

1 the above methods, the applicant may select any registered elector  
2 to return the application. The person returning the application  
3 must sign and return the certificate at the bottom of the  
4 application.

5 (7) A person who prints and distributes absent voter ballot  
6 applications shall print on the application the warning,  
7 certificate of authorized registered elector returning absent voter  
8 ballot application, and instructions required by this section.

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

16 Sec. 761. (1) If the clerk of a city or township receives an  
17 application for an absent voter ballot from a person registered to  
18 vote in that city or township and if the signature on the  
19 application agrees with the signature for the person contained in  
20 the qualified voter file or on the registration card as required in  
21 subsection (2), the clerk immediately upon receipt of the  
22 application or, if the application is received before the printing  
23 of the absent voter ballots, as soon as the ballots are received by  
24 the clerk, shall forward by mail, postage prepaid, or shall deliver  
25 personally 1 of the ballots or set of ballots if there is more than  
26 1 kind of ballot to be voted to the applicant. Subject to the  
27 identification requirement in subsection (6), absent voter ballots  
28 may be delivered to an applicant in person at the office of the  
29 clerk. **If the clerk of a city or township receives an application**



1 for an absent voter ballot from an individual registered to vote in  
2 that city or township and the signature on the application does not  
3 agree with the signature for the individual contained in the  
4 qualified voter file or on the registration card as required in  
5 subsection (2), the clerk of the city or township shall proceed as  
6 provided in section 766a(1). If the clerk of a city or township  
7 receives an application for an absent voter ballot from an  
8 individual registered to vote in that city or township and the  
9 individual failed to sign the application, the clerk of the city or  
10 township shall proceed as provided in section 766a(2).

11 (2) The qualified voter file must be used to determine the  
12 genuineness of a signature on an application for an absent voter  
13 ballot. Signature comparisons must be made with the digitized  
14 signature in the qualified voter file. If the qualified voter file  
15 does not contain a digitized signature of an elector, or is not  
16 accessible to the clerk, the city or township clerk shall compare  
17 the signature appearing on the application for an absent voter  
18 ballot to the signature contained on the master card.

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





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

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

27 TO BE COMPLETED  
 28 BY THE CLERK  
 29

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1                                    Name of Voter                                    Street Address or R.R.  
2                                    \_\_\_\_\_                                    \_\_\_\_\_  
3                                    City or Township                                    County  
4                                    Ward \_\_\_\_\_                                    Precinct \_\_\_\_\_                                    Date of Election \_\_\_\_\_

5                                    =====

6                                    TO BE COMPLETED BY THE ABSENT VOTER

7                                    I assert that I am a United States citizen and a qualified and  
8 registered elector of the city or township named above. I am voting  
9 as an absent voter in conformity with state election law. Unless  
10 otherwise indicated below, I personally marked the ballot enclosed  
11 in this envelope without exhibiting it to any other person.

12                                    I further assert that this absent voter ballot is being  
13 returned to the clerk or an assistant of the clerk by me  
14 personally; by public postal service, express mail service, parcel  
15 post service, or other common carrier; by a member of my immediate  
16 family; or by a person residing in my household.

17                                    DATE: \_\_\_\_\_                                    SIGN HERE: X \_\_\_\_\_

18                                    Signature of Absent Voter

19                                    The above form must be signed or your vote ~~will~~**may** not be  
20 counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT  
21 IS GUILTY OF A MISDEMEANOR.

22                                    =====

23                                    TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING  
24                                    BY ANOTHER PERSON

25                                    I assisted the above named absent voter who is disabled or  
26 otherwise unable to mark the ballot in marking his or her absent  
27 voter ballot pursuant to his or her directions. The absent voter  
28 ballot was inserted in the return envelope without being exhibited  
29 to any other person.





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

21 Sec. 765a. (1) If a city or township decides to use absent  
22 voter counting boards, the board of election commissioners of that  
23 city or township shall establish an absent voter counting board for  
24 each election day precinct in that city or township. The ballot  
25 form of an absent voter counting board must correspond to the  
26 ballot form of the election day precinct for which it is  
27 established. After the polls close on election day, the county,  
28 city, or township clerk responsible for producing the accumulation  
29 report of the election results submitted by the boards of precinct



1 election inspectors shall format the accumulation report to clearly  
2 indicate all of the following:

3 (a) The election day precinct returns.

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

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

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

20 (3) If more than 1 absent voter counting board is to be used,  
21 the city or township clerk shall determine the number of electronic  
22 voting systems or the number of ballot boxes and the number of  
23 election inspectors to be used in each of the absent voter counting  
24 boards and to which absent voter counting board the absent voter  
25 ballots for each precinct are assigned for counting.

26 (4) In a city or township that uses absent voter counting  
27 boards under this section, absent voter ballots must be counted in  
28 the manner provided in this section and absent voter ballots must  
29 not be delivered to the polling places. The board of election



1 commissioners shall provide a place for each absent voter counting  
2 board to count the absent voter ballots. Section 662 applies to the  
3 designation and prescribing of the absent voter counting place or  
4 places in which the absent voter counting board performs its duties  
5 under this section, except the location may be in a different  
6 jurisdiction if the county provides a tabulator for use at a  
7 central absent voter counting board location in that county. The  
8 places must be designated as absent voter counting places. Except  
9 as otherwise provided in this section, laws relating to paper  
10 ballot precincts, including laws relating to the appointment of  
11 election inspectors, apply to absent voter counting places. The  
12 provisions of this section relating to placing of absent voter  
13 ballots on electronic voting systems apply. More than 1 absent  
14 voter counting board may be located in 1 building.

15 (5) The clerk of a city or township that uses absent voter  
16 counting boards shall supply each absent voter counting board with  
17 supplies necessary to carry out its duties under this act. The  
18 supplies must be furnished to the city or township clerk in the  
19 same manner and by the same persons or agencies as for other  
20 precincts.

21 (6) Absent voter ballots received by the clerk before election  
22 day must be delivered to the absent voter counting board by the  
23 clerk or the clerk's authorized assistant at the time the election  
24 inspectors of the absent voter counting boards report for duty,  
25 which time must be established by the board of election  
26 commissioners. Absent voter ballots received by the clerk before  
27 the time set for the closing of the polls on election day must be  
28 delivered to the absent voter counting boards. Absent voter ballots  
29 must be delivered to the absent voter counting boards in the sealed



1 absent voter ballot return envelopes in which they were returned to  
 2 the clerk. Written or stamped on each of the return envelopes must  
 3 be the time and the date that the envelope was received by the  
 4 clerk and a statement by the clerk that the signatures of the  
 5 absent voters on the envelopes have been checked and found to agree  
 6 with the signatures of the voters on the registration cards or the  
 7 digitized signatures of voters contained in the qualified voter  
 8 file as provided under section 766. If a signature on the  
 9 registration card or a digitized signature contained in the  
 10 qualified voter file and on the absent voter ballot return envelope  
 11 does not agree as provided under section 766 ~~or~~ if the absent  
 12 voter failed to sign the envelope, ~~or if the clerk shall proceed as~~  
 13 **provided in section 766b. If** the statement of the absent voter is  
 14 not properly executed, the clerk shall mark the envelope "rejected"  
 15 and the reason for the rejection and shall place his or her name  
 16 under the notation. An envelope marked "rejected" must not be  
 17 delivered to the absent voter counting board but must be preserved  
 18 by the clerk until other ballots are destroyed in the manner  
 19 provided in this act. The clerk shall also comply with section  
 20 765(5).

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

29 (8) The absent voter counting boards shall process the ballots



1 and returns in as nearly as possible the same manner as ballots are  
2 processed in paper ballot precincts. The poll book may be combined  
3 with the absent voter list or record required by section 760, and  
4 the applications for absent voter ballots may be used as the poll  
5 list. The processing and tallying of absent voter ballots may  
6 commence at 7 a.m. on the day of the election.

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

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

16 (10) The oaths administered under subsection (9) must be  
17 placed in an envelope provided for the purpose and sealed with the  
18 red state seal. Following the election, the oaths must be delivered  
19 to the city or township clerk. Except as otherwise provided in  
20 subsection (12), a person in attendance at the absent voter  
21 counting place shall not leave the counting place after the  
22 tallying has begun until the polls close. A person who causes the  
23 polls to be closed or who discloses an election result or in any  
24 manner characterizes how any ballot being counted has been voted in  
25 a voting precinct before the time the polls can be legally closed  
26 on election day is guilty of a felony.

27 (11) Voted absent voter ballots must be placed in an approved  
28 ballot container, and the ballot container must be sealed in the  
29 manner provided by this act for paper ballot precincts. The seal



1 numbers must be recorded on the statement sheet and in the poll  
2 book.

3 (12) Subject to this subsection, a local election official who  
4 has established an absent voter counting board, the deputy or  
5 employee of that local election official, an employee of the state  
6 bureau of elections, a county clerk, an employee of a county clerk,  
7 or a representative of a voting equipment company may enter and  
8 leave an absent voter counting board after the tally has begun but  
9 before the polls close. A person described in this subsection may  
10 enter an absent voter counting board only for the purpose of  
11 responding to an inquiry from an election inspector or a challenger  
12 or providing instructions on the operation of the counting board.  
13 Before entering an absent voter counting board, a person described  
14 in this subsection must take and sign the oath prescribed in  
15 subsection (9). The chairperson of the absent voter counting board  
16 shall record in the poll book the name of a person described in  
17 this subsection who enters the absent voter counting board. A  
18 person described in this subsection who enters an absent voter  
19 counting board and who discloses an election result or in any  
20 manner characterizes how any ballot being counted has been voted in  
21 a precinct before the time the polls can be legally closed on  
22 election day is guilty of a felony. As used in this subsection,  
23 "local election official" means a county, city, or township clerk.

24 (13) The secretary of state shall develop instructions  
25 consistent with this act for the conduct of absent voter counting  
26 boards. The secretary of state shall distribute the instructions  
27 developed under this subsection to city and township clerks 40 days  
28 or more before a general election in which absent voter counting  
29 boards will be used. A city or township clerk shall make the



1 instructions developed under this subsection available to the  
 2 public and shall distribute the instructions to each challenger in  
 3 attendance at an absent voter counting board. The instructions  
 4 developed under this subsection are binding upon the operation of  
 5 an absent voter counting board used in an election conducted by a  
 6 county, city, or township.

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

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

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

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

27 **(3) If the board of election inspectors determines that the**  
 28 **signature on the statement does not agree with the signature on the**  
 29 **registration record, the board of election inspectors shall notify**



1 the clerk of the city or township that the signatures do not agree  
 2 and the clerk of the city or township shall proceed as provided in  
 3 section 766b.

4 Sec. 766a. (1) If the clerk of a city or township rejects an  
 5 absent voter ballot application because the signature on the absent  
 6 voter ballot application does not agree with the signature on the  
 7 master card or the digitized signature contained in the qualified  
 8 voter file so as to identify the elector, the city or township  
 9 clerk shall notify the elector of the rejection by mail, telephone,  
 10 or electronic mail. An elector who is notified of a rejection by a  
 11 clerk under this subsection may, subject to the identification  
 12 requirement in section 761(6), appear in person at the clerk's  
 13 office before 8 p.m. on election day to verify his or her signature  
 14 and obtain his or her absent voter ballot.

15 (2) If the clerk of a city or township rejects an absent voter  
 16 ballot application because the elector failed to sign the absent  
 17 voter ballot application, the city or township clerk shall notify  
 18 the elector of the rejection by mail, telephone, or electronic  
 19 mail. An elector who is notified of a rejection by a clerk under  
 20 this subsection may, subject to the identification requirement in  
 21 section 761(6), appear in person at the clerk's office before 8  
 22 p.m. on election day to sign his or her absent voter ballot  
 23 application and obtain his or her absent voter ballot.

24 Sec. 766b. (1) If the clerk of a city or township or the board  
 25 of election inspectors rejects an absent voter ballot return  
 26 envelope because the signature on the absent voter ballot return  
 27 envelope does not agree with the signature on the master card or  
 28 the digitized signature contained in the qualified voter file so as  
 29 to identify the elector, the return envelope must not be opened and



1 the city or township clerk shall, not less than 10 days before the  
2 certification of the election, notify the elector of the rejection  
3 by mail, telephone, or electronic mail. An elector who is notified  
4 of a rejection by a city or township clerk under this subsection  
5 may, no later than 5 p.m. of the third day before the certification  
6 of the election, verify his or her signature by delivering in  
7 person, by mail, by facsimile, or by electronic mail to the city or  
8 township clerk a signature verification statement signed by the  
9 elector. If an elector who is notified of a rejection under this  
10 subsection fails to verify his or her signature as provided in this  
11 section, the absent voter ballot for that elector must not be  
12 counted.

13 (2) The signature verification statement, and the notice and  
14 instructions for that statement, must be in substantially the  
15 following form:

16 SIGNATURE VERIFICATION STATEMENT

17 I, \_\_\_\_\_, am a registered voter of  
18 \_\_\_\_\_ county, \_\_\_\_\_ city or township,  
19 State of Michigan.

20 I declare under penalty of perjury that I requested and  
21 returned an absent voter ballot return envelope. I am a resident of  
22 the precinct in which I have voted, and I am the individual whose  
23 name appears on the absent voter ballot return envelope. I  
24 understand that if I commit or attempt any fraud in connection with  
25 voting, or if I aid or abet fraud or attempt to aid or abet fraud  
26 in connection with voting, I may be convicted of a felony. I  
27 understand that my failure to sign this statement means that my  
28 absent voter ballot will not be counted.

29 Voter's Signature: \_\_\_\_\_



1 Voter's Address: \_\_\_\_\_

2 NOTICE AND INSTRUCTIONS

3 READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE  
4 INSTRUCTIONS MAY CAUSE YOUR ABSENT VOTER BALLOT TO NOT BE  
5 COUNTED.

6 1. We have determined that the signature you provided on your  
7 absent voter ballot return envelope does not agree with the  
8 signature on file in your voter record. In order to ensure that  
9 your absent voter ballot will be counted, the signature  
10 verification statement must be completed and returned as soon as  
11 possible.

12 2. The signature verification statement must be received by  
13 the city or township clerk of the city or township where you are  
14 registered to vote no later than 5 p.m. of the third day before the  
15 certification of the election (Deadline Date: \_\_\_\_\_).

16 3. You must sign your name where specified on the signature  
17 verification statement (Voter's Signature).

18 4. Place the signature verification statement into a mailing  
19 envelope addressed to your city or township clerk. Mail, deliver,  
20 or have the completed statement delivered to the city or township  
21 clerk. Be sure there is sufficient postage if mailed and that the  
22 address of the city or township clerk is correct.

23 5. If you do not wish to send the signature verification  
24 statement by mail or have it delivered, you may submit your  
25 completed statement by electronic mail or facsimile transmission to  
26 your city or township clerk using the information provided.

27 (3) Upon receiving a signature verification statement signed  
28 by an elector, the city or township clerk shall compare the  
29 signature on the statement with the signature on the master card or

1 the digitized signature contained in the qualified voter file for  
2 that elector. If the city or township clerk determines that the  
3 signatures agree, the absent voter ballot of that elector must be  
4 counted. Except as otherwise provided in this subsection, if the  
5 city or township clerk determines that the signatures do not agree,  
6 the return envelope for that absent voter must not be opened and  
7 the absent voter ballot of that elector must not be counted. The  
8 city or township clerk shall write the cause of the rejection on  
9 the face of an absent voter ballot return envelope that is  
10 rejected. If an elector returns his or her signature verification  
11 statement in person to the city or township clerk and the elector  
12 presents identification for election purposes to the city or  
13 township clerk, the absent voter ballot of that elector must be  
14 counted even if the signatures do not agree.

15 (4) If the clerk of a city or township rejects an absent voter  
16 ballot return envelope because the elector failed to sign the  
17 absent voter ballot return envelope, the return envelope must not  
18 be opened and the city or township clerk shall, not less than 10  
19 days before the certification of the election, notify the elector  
20 of the rejection by mail, telephone, or electronic mail. An elector  
21 who is notified of a rejection by a city or township clerk under  
22 this subsection may, no later than 5 p.m. of the third day before  
23 the certification of the election, complete and submit by  
24 delivering in person, by mail, by facsimile, or by electronic mail  
25 to the city or township clerk an unsigned ballot statement signed  
26 by the elector. If an elector who is notified of a rejection under  
27 this subsection fails to submit a signed statement as provided in  
28 this subsection, the absent voter ballot for that elector must not  
29 be counted.



1 (5) The unsigned ballot statement, and the notice and  
2 instructions for that statement, must be in substantially the  
3 following form:

4 UNSIGNED BALLOT STATEMENT

5 I, \_\_\_\_\_, am a registered voter of  
6 \_\_\_\_\_ county, \_\_\_\_\_ city or township,  
7 State of Michigan.

8 I declare under penalty of perjury that I requested and  
9 returned an absent voter ballot return envelope and that I have not  
10 and will not vote more than 1 ballot in this election. I am a  
11 resident of the precinct in which I have voted, and I am the  
12 individual whose name appears on the absent voter ballot return  
13 envelope. I understand that if I commit or attempt any fraud in  
14 connection with voting, or if I aid or abet fraud or attempt to aid  
15 or abet fraud in connection with voting, I may be convicted of a  
16 felony. I understand that my failure to sign this statement means  
17 that my absent voter ballot will not be counted.

18 Voter's Signature: \_\_\_\_\_

19 Voter's Address: \_\_\_\_\_

20 NOTICE AND INSTRUCTIONS

21 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
22 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
23 ABSENT VOTER BALLOT TO NOT BE COUNTED.

24 1. In order to ensure that your absent voter ballot will be  
25 counted, the unsigned ballot statement must be completed and  
26 returned as soon as possible so that it can reach the city or  
27 township clerk of the city or township in which you are registered  
28 to vote no later than 5 p.m. of the third day before the  
29 certification of the election (Deadline Date: \_\_\_\_\_).

1           2. You must sign your name where specified on the unsigned  
2 ballot statement (Voter's Signature).

3           3. Place the unsigned ballot statement into a mailing envelope  
4 addressed to your city or township clerk. Mail, deliver, or have  
5 the completed statement delivered to the city or township clerk. Be  
6 sure there is sufficient postage if mailed and that the address of  
7 the city or township clerk is correct.

8           4. If you do not wish to send the unsigned ballot statement by  
9 mail or have it delivered, you may submit your completed statement  
10 by electronic mail or facsimile transmission to your city or  
11 township clerk using the information provided.

12           (6) Upon receiving an unsigned ballot statement signed by an  
13 elector, the city or township clerk shall compare the signature on  
14 the statement with the signature on the master card or the  
15 digitized signature contained in the qualified voter file for that  
16 elector. If the city or township clerk determines that the  
17 signatures agree, the absent voter ballot of that elector must be  
18 counted. Except as otherwise provided in this subsection, if the  
19 city or township clerk determines that the signatures do not agree,  
20 the return envelope for that absent voter must not be opened and  
21 the absent voter ballot of that elector must not be counted. The  
22 city or township clerk shall write the cause of the rejection on  
23 the face of an absent voter ballot return envelope that is  
24 rejected. If an elector returns his or her unsigned ballot  
25 statement in person to the city or township clerk and the elector  
26 presents identification for election purposes to the city or  
27 township clerk, the absent voter ballot of that elector must be  
28 counted even if the signatures do not agree.

29           (7) The clerk of each city or township shall include the



1 signature verification statement and unsigned ballot statement on  
 2 the city or township website. The portion of the city or township  
 3 website containing the signature verification statement and  
 4 unsigned ballot statement must include the city or township clerk's  
 5 mailing address, electronic mail address, and facsimile  
 6 transmission number.

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

