

# HOUSE BILL NO. 5515

November 03, 2021, Introduced by Reps. Tyrone Carter, Manoogian, Garza, Koleszar, Puri, Breen, Kuppa, Morse, Lasinski, Stone, Hope, Cynthia Johnson, Sabo, Steckloff, Haadsma, Scott, Cavanagh, Sowerby, Hood, Tate, Yancey and Anthony and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 761 and 764a (MCL 168.761 and 168.764a),  
section 761 as amended by 2020 PA 302 and section 764a as amended  
by 2020 PA 177, and by adding sections 759e and 764e.

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

**1           Sec. 759e. Beginning on the effective date of the amendatory**  
**2   act that added this section, the clerk of each city and township**

1 shall, not later than 75 days before each election held in the city  
2 or township, send to each registered elector in the city or  
3 township all of the following:

4 (a) An absent voter ballot application.

5 (b) A postage prepaid return envelope for the absent voter  
6 ballot application.

7 (c) A voting rights card, in a form as prescribed by the  
8 secretary of state, that includes all of the necessary information  
9 for a voter to vote on election day or by absent voter ballot.

10 Sec. 761. (1) If the clerk of a city or township receives an  
11 application for an absent voter ballot from ~~a person~~ **an individual**  
12 registered to vote in that city or township and if the signature on  
13 the application agrees with the signature for the ~~person~~ **individual**  
14 contained in the qualified voter file or on the registration card  
15 as required in subsection (2), the clerk immediately upon receipt  
16 of the application or, if the application is received before the  
17 printing of the absent voter ballots, as soon as the ballots are  
18 received by the clerk, shall forward by mail, postage prepaid, or  
19 shall deliver personally 1 of the ballots or set of ballots if  
20 there is more than 1 kind of ballot to be voted to the applicant.  
21 If the clerk of a city or township receives an application for an  
22 absent voter ballot from an applicant who is a program participant,  
23 as that term is defined in **section 3 of** the address confidentiality  
24 program act, **2020 PA 301, MCL 780.853**, then the city or township  
25 clerk shall mail an absent voter ballot to that program participant  
26 at the designated address provided to that program participant by  
27 the department of the attorney general under the address  
28 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.  
29 Subject to the identification requirement in subsection (6), absent

1 voter ballots may be delivered to an applicant in person at the  
2 office of the clerk.

3 (2) The qualified voter file must be used to determine the  
4 genuineness of a signature on an application for an absent voter  
5 ballot. Signature comparisons must be made with the digitized  
6 signature in the qualified voter file. If the qualified voter file  
7 does not contain a digitized signature of an elector, or is not  
8 accessible to the clerk, the city or township clerk shall compare  
9 the signature appearing on the application for an absent voter  
10 ballot to the signature contained on the master card. If before 8  
11 p.m. on the day before election day the clerk of a city or township  
12 rejects an absent voter ballot application because the signature on  
13 the absent voter ballot application does not agree sufficiently  
14 with the signature on the master card or the digitized signature  
15 contained in the qualified voter file so as to identify the elector  
16 or because the elector failed to sign the absent voter ballot  
17 application, the city or township clerk shall as soon as  
18 practicable, but in no event later than 48 hours after determining  
19 the signatures do not agree sufficiently or that the signature is  
20 missing, or by 8 p.m. on the day before election day, whichever  
21 occurs first, notify the elector of the rejection by mail,  
22 telephone, or ~~electronic mail.~~**email.**

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

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

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

of the envelope a printed statement in substantially the following form:

TO BE COMPLETED

BY THE CLERK

|                  |   |
|------------------|---|
| _____            | _____   |
| Name of Voter    | Street Address or R.R. or<br>Program Participant<br>Identification Number |
| _____            | _____   |
| City or Township | County  |
| Ward _____       | Precinct _____ Date of Election _____                                     |
| =====            |   |

TO BE COMPLETED BY THE ABSENT VOTER

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

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

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

Signature of Absent Voter

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

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

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

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

|   |                                    |                           |
|---|------------------------------------|---------------------------|
| _____<br>Signature of Person<br>Assisting Voter | _____<br>Street Address<br>or R.R. | _____<br>City or Township |
|---|------------------------------------|---------------------------|

\_\_\_\_\_  
Printed Name of Person Assisting Voter

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

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WARNING

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

(5) An absent voter who knowingly makes a false statement on

1 the absent voter ballot return envelope is guilty of a misdemeanor.  
2 ~~A person~~**An individual** who assists an absent voter and who  
3 knowingly makes a false statement on the absent voter ballot return  
4 envelope is guilty of a felony.

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

28 Sec. 764a. The following instructions for an absent voter must  
29 be included with each ballot or set of ballots furnished an absent

1 voter:

2 INSTRUCTIONS FOR ABSENT VOTERS

3 Step 1. Enclosed you will find voting instructions as to the  
4 method of voting. Read these carefully and then vote the ballot.

5 Step 2. After voting a ballot, place the ballot in the secrecy  
6 sleeve, if any. If a secrecy sleeve is not provided, refold the  
7 ballot to conceal your votes.

8 Step 3. Place the ballot or ballots in the **postage prepaid**  
9 return envelope and securely seal the **return** envelope.

10 Step 4. Sign and date the return envelope in the place  
11 designated. Your signature must appear on the return envelope or  
12 the ballot will not be counted. If you are disabled or otherwise  
13 unable to mark the ballot and required assistance in voting your  
14 absent voter ballot, have the individual who assisted you complete  
15 the section on the return envelope entitled "TO BE COMPLETED ONLY  
16 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

17 Step 5. Deliver the return envelope by 1 of the following  
18 methods:

19 (a) ~~Place the necessary postage upon the return envelope and~~  
20 ~~deposit it~~ **Deposit the postage prepaid return envelope** in the  
21 United States mail or with another public postal service, express  
22 mail service, parcel post service, or common carrier.

23 (b) Deliver the **return** envelope personally to the office of  
24 the clerk, to the clerk, or to an authorized assistant of the  
25 clerk, or to a secure drop box located in the city or township.

26 (c) In either (a) or (b), a member of the immediate family of  
27 the voter including a father-in-law, mother-in-law, brother-in-law,  
28 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
29 grandchild or an individual residing in the voter's household may



1 mail or deliver a ballot to the clerk for the voter.

2 (d) You may request by telephone that the clerk who issued the  
3 ballot provide assistance in returning the ballot. The clerk is  
4 required to provide assistance if you are unable to return your  
5 absent voter ballot as specified in (a), (b), or (c) above, if it  
6 is before 5 p.m. on the Friday immediately preceding the election,  
7 and if you are asking the clerk to pick up the absent voter ballot  
8 within the jurisdictional limits of the city, township, or village  
9 in which you are registered. Your absent voter ballot will then be  
10 picked up by the clerk or an election assistant sent by the clerk.  
11 All individuals authorized to pick up absent voter ballots are  
12 required to carry credentials issued by the clerk. If using this  
13 absent voter ballot return method, do not give your ballot to  
14 anyone until you have checked their credentials.

15 Step 6. The ballot must reach the clerk or an authorized  
16 assistant of the clerk before the close of the polls on election  
17 day. An absent voter ballot received by the clerk or assistant of  
18 the clerk after the close of the polls on election day will not be  
19 counted.

20 WARNING

21 All of the following actions are violations of the Michigan  
22 election law and are illegal in this state:

23 (1) To vote an absent voter ballot at a meeting or gathering  
24 at which other individuals are voting absent voter ballots.

25 (2) For an individual who is assisting an absent voter in  
26 marking the ballot to suggest or in any manner attempt to influence  
27 the absent voter on how he or she should vote.

28 (3) For an individual who is present and knows that an  
29 individual is voting an absent voter ballot to suggest or in any

1 manner attempt to influence the absent voter on how he or she  
2 should vote.

3 (4) For an individual other than those listed in these  
4 instructions to return, offer to return, agree to return, or  
5 solicit to return an absent voter ballot to the clerk.

6 (5) For an individual other than the absent voter; an  
7 individual listed in these instructions; or an individual whose job  
8 it is to handle mail before, during, or after being transported by  
9 a public postal service, express mail service, parcel post service,  
10 or common carrier, but only during the normal course of his or her  
11 employment to be in possession of a voted or unvoted absent voter  
12 ballot.

13 **Sec. 764e. (1) This state shall reimburse each city or**  
14 **township for the cost of providing prepaid postage on absent voter**  
15 **ballot return envelopes and absent voter ballot application return**  
16 **envelopes. The reimbursement must not exceed the verified account**  
17 **of actual costs of providing prepaid postage on absent voter ballot**  
18 **return envelopes and absent voter ballot application return**  
19 **envelopes as provided in this section.**

20 (2) Payment must be made upon presentation and approval of a  
21 verified account of actual costs to the department of treasury,  
22 local audit and finance division.

23 (3) The legislature shall appropriate from the general fund of  
24 this state an amount necessary to implement this section.

25 (4) To qualify for reimbursement, a city or township must  
26 submit its verified account of actual costs for providing prepaid  
27 postage on absent voter ballot return envelopes and absent voter  
28 ballot application return envelopes before the expiration of 90  
29 days after the date of an election. This state shall pay or

1 disapprove all or a portion of the verified account before the  
2 expiration of 90 days after this state receives a verified account  
3 of actual costs under this subsection.

4 (5) If this state disapproves all or a portion of a verified  
5 account of actual costs under subsection (4), this state shall send  
6 a notice of disapproval along with the reasons for the disapproval  
7 to the city or township. Upon request of a city or township whose  
8 verified account or portion of a verified account was disapproved  
9 under this section, this state shall review the disapproved costs  
10 with the city or township.