

**SUBSTITUTE FOR  
SENATE BILL NO. 369**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 509aa and 811 (MCL 168.509aa and 168.811),  
section 509aa as amended by 2012 PA 270 and section 811 as amended  
by 2018 PA 603, and by adding sections 6, 759e, 759f, and 759g.

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

1           **Sec. 6. As used in this act:**

2           (b) "Permanent mail ballot voter" means a registered elector  
3 who submits a signed absent voter ballot application to receive an  
4 absent voter ballot by mail for all future elections and whose  
5 application has been verified.

6           (b) "Presidential primary ballot selection form" means a form,  
7 as prescribed by the secretary of state, that a permanent mail



1 ballot voter can use to select, or use to change a prior selection  
 2 of, the political party ballot that the permanent mail ballot voter  
 3 wishes to receive for a presidential primary election.

4 Sec. 509aa. (1) A clerk may use change of address information  
 5 supplied by the United States ~~postal service~~ **Postal Service** or  
 6 other reliable information received by the clerk that identifies  
 7 registered ~~voters~~ **electors** whose addresses may have changed as  
 8 provided in this section.

9 (2) ~~Upon~~ **On** receipt of reliable information that a registered  
 10 ~~voter~~ **elector** has moved ~~his or her~~ **the elector's** residence within  
 11 the city or township, the clerk shall send by forwardable mail all  
 12 of the following to the ~~voter~~ **elector**:

13 (a) A notice that the clerk has received information  
 14 indicating that the ~~voter~~ **elector** has moved ~~his or her~~ **the**  
 15 **elector's** residence within the city or township.

16 (b) A postage prepaid and preaddressed return card on which  
 17 the ~~voter~~ **elector** may verify or correct the address information.

18 (c) A notice explaining that, if the address information is  
 19 correct and the ~~voter~~ **elector** has moved ~~his or her~~ **the elector's**  
 20 residence within the city or township, the ~~voter~~ **elector** should  
 21 complete and return the card to the clerk with a postmark of 30  
 22 days or more before the date of the next election. If the ~~voter~~  
 23 **elector** has moved ~~his or her~~ **the elector's** residence within the  
 24 city or township and does not complete and return the card to the  
 25 clerk with a postmark of 30 days or more before the date of the  
 26 next election, the ~~voter~~ **elector** will be required to vote in ~~his or~~  
 27 ~~her~~ **the elector's** former precinct of residence in the city or  
 28 township. The ~~voter~~ **elector** will also be required to submit an  
 29 address correction before being permitted to vote.



1           (3) ~~Upon~~**On** the receipt of reliable information that a  
 2 registered ~~voter~~**elector** has moved ~~his or her~~**the elector's**  
 3 residence to another city or township, the clerk shall send by  
 4 forwardable mail all of the following to the ~~voter~~**elector**:

5           (a) A notice that the clerk has received information  
 6 indicating that the ~~voter~~**elector** has moved ~~his or her~~**the**  
 7 **elector's** residence to another city or township.

8           (b) A postage prepaid and preaddressed return card on which  
 9 the ~~voter~~**elector** may verify or correct the address information.

10           (c) A notice containing all of the following information:

11           (i) If the address information is incorrect and the ~~voter~~  
 12 **elector** has not moved to another city or township and wishes to  
 13 remain registered to vote, the ~~voter~~**elector** should complete and  
 14 return the card to the clerk with a postmark of 30 days or more  
 15 before the date of the next election. If the card is not completed  
 16 and returned with a postmark of 30 days or more before the date of  
 17 the next election, the ~~voter~~**elector** may be required to affirm ~~his~~  
 18 ~~or her~~**the elector's** current address before being permitted to  
 19 vote. Further, if the ~~voter~~**elector** does not vote in an election  
 20 within the period beginning on the date of the notice and ending on  
 21 the first business day immediately following the second November  
 22 general election that is held after the date on the notice, the  
 23 registration of the ~~voter~~**elector** will be canceled and ~~his or her~~  
 24 **the elector's** name will be removed from the registration record of  
 25 that city or township.

26           (ii) If the ~~voter~~**elector** has moved ~~his or her~~**the elector's**  
 27 residence to another city or township, information on how the ~~voter~~  
 28 **elector** can become registered to vote at the next election in ~~his~~  
 29 ~~or her~~**the elector's** new city or township.



1 (4) If a notice sent under subsection (2) or (3) is returned  
 2 to the clerk by the post office as undeliverable, the clerk shall  
 3 identify the registration record of ~~a voter~~**an elector** as  
 4 challenged as provided in this act. The clerk shall instruct the  
 5 board of election inspectors to challenge that ~~voter~~**elector** at the  
 6 first election at which the ~~voter~~**elector** appears to vote. If in  
 7 response to the challenge the ~~voter~~**elector** indicates that ~~he or~~  
 8 ~~she~~**the elector** resides at the registration address or has changed  
 9 addresses within the city or township, the ~~voter shall~~**elector must**  
 10 be permitted to vote a regular ballot rather than a challenged  
 11 ballot. The ~~voter~~**elector** shall complete a change of address form  
 12 at the polling place, if applicable. If the ~~person~~**elector** does not  
 13 appear to vote in an election within the period beginning on the  
 14 date of the notice and ending on the first business day immediately  
 15 following the second November general election that is held after  
 16 the date of the notice, the clerk shall cancel the registration of  
 17 the ~~voter~~**elector** and remove ~~his or her~~**the elector's** name from the  
 18 registration record of the city or township.

19 (5) If the department of state receives notice that a  
 20 registered ~~voter~~**elector** has moved out of state by receiving a  
 21 surrendered Michigan driver license of that registered ~~voter,~~  
 22 **elector**, the secretary of state shall send by forwardable mail all  
 23 of the following to the ~~voter:~~**elector:**

24 (a) A notice that the secretary of state has received  
 25 information indicating that the ~~voter~~**elector** has moved ~~his or her~~  
 26 **the elector's** residence to another state.

27 (b) A postage prepaid and preaddressed return card on which  
 28 the ~~voter~~**elector** may verify or correct the address information.

29 (c) A notice providing that if the address information is



1 incorrect and the ~~voter~~**elector** has not moved to another state and  
 2 wishes to remain registered to vote, the ~~voter~~**elector** should  
 3 complete and return the card to the secretary of state with a  
 4 postmark of 30 days or more before the date of the next election.  
 5 If the card is not completed and returned with a postmark of 30  
 6 days or more before the date of the next election, the ~~voter~~  
 7 **elector** may be required to affirm ~~his or her~~**the elector's** current  
 8 address before being permitted to vote. Further, if the ~~voter~~  
 9 **elector** does not vote in an election within the period beginning on  
 10 the date of the notice and ending on the first business day  
 11 immediately following the second November general election that is  
 12 held after the date on the notice, the registration of the ~~voter~~  
 13 **elector** will be canceled and ~~his or her~~**the elector's** name will be  
 14 removed from the qualified voter file.

15       (6) A notice sent to an elector under subsection (2), (3), or  
 16 (5) must include a warning to the elector that any prior absent  
 17 voter ballot application submitted by the elector for all future  
 18 elections is rescinded and the elector will not be sent an absent  
 19 voter ballot for any future elections unless the elector submits a  
 20 new absent voter ballot application.

21       Sec. 759e. (1) Each city and township clerk shall determine  
 22 who that clerk's permanent mail ballot voters are and shall  
 23 maintain and track those permanent mail ballot voters through the  
 24 qualified voter file. Any registered elector may become a permanent  
 25 mail ballot voter. A permanent mail ballot voter must be issued an  
 26 absent voter ballot for every election. Each city and township  
 27 clerk shall also issue an absent voter ballot application to any  
 28 elector who requests an absent voter ballot application.

29       (2) Once an elector's absent voter ballot application for all



1 future elections has been verified, the elector becomes a permanent  
2 mail ballot voter and the elector must be sent an absent voter  
3 ballot before each election unless the application is rescinded.

4 (3) An absent voter ballot application for all future  
5 elections can be rescinded only for any of the following reasons:

6 (a) The permanent mail ballot voter submits a signed request  
7 to rescind the voter's application to receive an absent voter  
8 ballot by mail for all future elections.

9 (b) The permanent mail ballot voter is no longer qualified to  
10 vote in this state.

11 (c) The secretary of state or the appropriate city or township  
12 clerk receives reliable information that the permanent mail ballot  
13 voter has moved the voter's residence to another state, or has  
14 moved the voter's residence within this state without updating the  
15 voter's registration address.

16 (d) The permanent mail ballot voter does not vote for 6  
17 consecutive years.

18 (4) If an absent voter ballot application for all future  
19 elections is rescinded under subsection (3)(d), the city or  
20 township clerk shall send the elector a notice informing the  
21 elector that the elector's absent voter ballot application for all  
22 future elections has been rescinded because the elector did not  
23 vote for 6 consecutive years.

24 (5) A permanent mail ballot voter who changes the voter's  
25 residence in this state and updates the voter's registration  
26 address, or who has the voter's registration address updated,  
27 continues to be a permanent mail ballot voter and the voter's  
28 absent voter ballot must be sent to the voter's current  
29 registration address until another address is designated by the



1 permanent mail ballot voter.

2           Sec. 759f. (1) The secretary of state shall prescribe the  
3 presidential primary ballot selection form. The presidential  
4 primary ballot selection form must be available in person, by mail,  
5 and online, and must be able to be submitted to the clerk of the  
6 city or township in which the permanent mail ballot voter resides,  
7 in person, by mail, or online.

8           (2) No later than 60 days before a presidential primary  
9 election, each city or township clerk shall send a presidential  
10 primary ballot selection form, with prepaid return postage, to all  
11 permanent mail ballot voters in the city or township who have not  
12 made a presidential primary ballot selection for the presidential  
13 primary election. If a permanent mail ballot voter does not return  
14 a presidential primary ballot selection form by the fortieth day  
15 before a presidential election, the city or township clerk shall  
16 notify that permanent mail ballot voter by telephone, email, and  
17 text message, if available, of the requirement to make a political  
18 party ballot selection in order to receive a presidential primary  
19 election ballot. If the city or township clerk does not have the  
20 telephone number or email address of the permanent mail ballot  
21 voter, the city or township clerk must notify the permanent mail  
22 ballot voter by United States mail, and may also notify the  
23 permanent mail ballot voter by any other available method of  
24 contact.

25           (3) If an elector becomes a permanent mail ballot voter in a  
26 city or township after the clerk sends the presidential primary  
27 ballot selection forms as required under subsection (2), and the  
28 elector has not made a presidential primary ballot selection for  
29 the presidential primary election, the clerk of the city or



1 township must immediately send the voter a presidential primary  
2 ballot selection form, with prepaid return postage.

3 (4) If the presidential primary election ballot contains any  
4 office or proposal other than for the office of President of the  
5 United States, a ballot with those other offices or proposals that  
6 does not include the office of President of the United States must  
7 be sent to those permanent mail ballot voters who have not made a  
8 presidential primary ballot selection for the presidential primary  
9 election. In addition, a ballot sent under this subsection must  
10 include a notice on a form as prescribed by the secretary of state  
11 that indicates both of the following:

12 (a) The permanent mail ballot voter did not receive a  
13 presidential primary election ballot because the permanent mail  
14 ballot voter did not make a presidential primary ballot selection.

15 (b) The process by which the permanent mail ballot voter can  
16 participate in the presidential primary election.

17 (5) A presidential primary ballot selection form sent under  
18 this section must be sent to the address designated by the  
19 permanent mail ballot voter to which the voter's absent voter  
20 ballot is sent.

21 Sec. 759g. The secretary of state shall provide instructions  
22 to county, city, and township clerks regarding the discontinuation  
23 of any permanent absent voter ballot application list maintained by  
24 a county, city, or township clerk for electors who automatically  
25 receive an absent voter ballot application before each election.

26 Sec. 811. All election returns, including poll lists,  
27 statements, tally sheets, absent voters' return envelopes bearing  
28 the statement required by section 761, absent voters' records  
29 required by section 760, and other returns made by the **election**





1 inspectors ~~of election~~ of the several precincts must be carefully  
2 preserved and may be destroyed after the expiration of ~~2 years~~ **22**  
3 **months** following the primary or election at which the same were  
4 used. All applications executed under section 523, all voter  
5 registration applications executed by applicants under section  
6 497(3) and (4), and all absent voters' applications must be  
7 carefully preserved and may be destroyed after the expiration of 6  
8 years following the primary or election at which those applications  
9 were executed. All ballots used at any primary or election, **other**  
10 **than ballots containing a federal office**, may be destroyed after 30  
11 days following the final determination of the board of canvassers  
12 with respect to the primary or election unless a petition for  
13 recount has been filed and not completed or unless ~~their~~ **the**  
14 **destruction of the ballots** is stayed by an order of a court. **All**  
15 **ballots containing a federal office, and all presidential primary**  
16 **ballot selection forms, may be destroyed after the expiration of 22**  
17 **months following the primary or election at which those ballots**  
18 **were cast or forms were used.**

