

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.759.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

168.759.amended Application for an absent voter ballot; manner; form; signature of applicant; false statement as misdemeanor; political party ballot selection; delivery of ballot; application confidentiality of program participant; maintenance of online absent voter ballot applications; digital signature; "manual digital signature" and "stored digital signature" defined.

Sec. 759. (1) A registered elector may apply for an absent voter ballot in any of the following ways:

- (a) By a written request signed by the elector.
- (b) On an absent voter ballot application form as provided for in this section.
- (c) On a federal postcard application.
- (d) Using an online absent voter ballot application as provided by the secretary of state.

(2) A registered elector may submit an absent voter ballot application in any of the following ways:

- (a) By mail or email to the clerk of the city or township in which the elector resides.
- (b) By using the online absent voter ballot application as provided by the secretary of state.
- (c) Until 4 p.m. on the day before election day, in person to the clerk of the city or township in which the elector resides.

(d) On election day, in person until 8 p.m. to the clerk of the city or township in which the elector resides, but only if the elector is registering to vote or updating the elector's voter registration address. An elector who submits an absent voter ballot application under this subdivision must complete the elector's absent voter ballot in the city or township clerk's office.

(3) An elector must sign the absent voter ballot application. The digital image of an elector's signature from a Michigan driver license or official Michigan personal identification card record, or an electronic image of an elector's physical signature, is an acceptable signature for the absent voter ballot application. An absent voter ballot application that is submitted and missing a signature is subject to the requirements of sections 761 and 766a.

(4) An absent voter ballot application submitted before a primary election may be for either that primary election only, or for that primary election and for each election that follows the primary election in that year. An absent voter ballot application submitted before a presidential primary election may be for that presidential primary election only, or for that presidential primary election and for each election that follows the presidential primary election in that year.

(5) A registered elector has the right to have an absent voter ballot sent to that elector before each election by submitting a single, signed absent voter ballot application that covers all future elections.

(6) An individual may submit a voter registration application and an absent voter ballot application at the same time. Immediately after the voter registration application for that individual is approved, the clerk must verify the absent voter ballot application and issue an absent voter ballot to that individual as provided under section 761. An individual who submits a voter registration application and an absent voter ballot application at the same time and in person on the day of an election must vote the absent voter ballot at the city or township clerk's office.

(7) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office at all times. The clerk of a city or township shall provide an absent voter ballot application form to an individual on a verbal or written request and provide the application to the individual in person, electronically, or by United States mail, postage prepaid with a postage prepaid return envelope, as requested by the individual. In addition, the secretary of state, or any county, city, or township clerk, may provide an absent voter ballot application to a registered elector in person, electronically, or by United States mail, with prepaid return postage, without a request from that registered elector. The absent voter ballot application must be in substantially the following form:

"Application for absent voter ballot for:

☐ The primary election to be held on _____ (Date).

☐ The election to be held on _____ (Date).

☐ All future elections. Automatically send me an absent voter ballot for each election.

(Check applicable election or elections)

I, _____, am a United States citizen and a registered elector of the township of _____ or of the city of _____, in the county of _____ and state of Michigan, and I apply for an absent voter ballot to be voted by me at the election or elections as requested in this application.

Send my absent voter ballot to me at the following address:

.....
(Street No. or R.R. or Designated Address)

.....
(Post Office) (State) (Zip Code)

My registration address is

(Street No. or R.R. or Participant Identification Number)

.....
(Post Office) (State) (Zip Code)

Telephone number:

Email address:

Date.....

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

.....
(Signature)

WARNING

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

An individual making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for an individual other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see the individual's credentials before entrusting your application with an individual claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is and my address is ; that I am delivering the absent voter ballot application of at the applicant's request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

(a) Place the application in the postage prepaid return envelope provided by the clerk and addressed to the clerk, or place the application in another envelope that is addressed to the appropriate clerk and place the necessary postage on that return envelope, and deposit the return envelope in the United States mail or with another postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in the elector's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The individual returning the application must sign and return the certificate at the bottom of the application.

(e) If the applicant applies using the online absent voter ballot application as provided by the secretary of

state, send the application electronically through the qualified voter file to the appropriate city or township clerk for processing.

(9) For a presidential primary election, the secretary of state shall revise the absent voter ballot application form described in subsection (7) to require that a presidential primary elector indicate a political party ballot selection when requesting an absent voter ballot and provide a separate form for a presidential primary elector who has previously applied for an absent voter ballot to indicate or change a political party ballot selection.

(10) An elector may request delivery of the elector's absent voter ballot to an address that is not the elector's registration address. In addition, an elector may request delivery of the elector's absent voter ballot to a post office box if the post office box is where the absent voter normally receives personal mail, and the elector does not receive mail at the elector's registration address.

(11) An individual shall not be in possession of a signed absent voter ballot application except for the applicant, a member of the applicant's immediate family, an individual residing in the applicant's household, an individual whose job normally includes the handling of mail, but only during the course of the individual's employment, a registered elector requested by the applicant to return the application, or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return the applicant's absent voter ballot application shall sign the certificate on the absent voter ballot application.

(12) An individual who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(13) An individual who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. An individual who forges a signature on an absent voter ballot application is guilty of a felony. An individual who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

(14) The absent voter ballot application of an elector who is a program participant, as that term is defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(15) The secretary of state shall provide and maintain an online absent voter ballot application that allows a qualified and registered elector to request an absent voter ballot for an election occurring in that elector's city or township. The online absent voter ballot application must be in substantially the same form as the absent voter ballot application provided under subsection (7).

(16) The online absent voter ballot application provided and maintained by the secretary of state under subsection (15) must provide an opportunity for an elector to use the elector's stored digital signature on file with the secretary of state on the online absent voter ballot application. In order to allow an elector to use the elector's stored digital signature, the online absent voter ballot application must verify the elector's identity and registration status by requesting the elector's name, complete driver license or state personal identification card number, full date of birth, last 4 digits of the elector's Social Security number, and eye color. A registered elector whose stored digital signature is on file with the secretary of state must sign the online absent voter ballot application with that stored digital signature. A registered elector without a stored digital signature on file with the secretary of state may provide a manual digital signature by uploading a photograph of the registered elector's physical handwritten signature to the online absent voter ballot application. A completed online absent voter ballot application, including digital signature, must be sent electronically through the qualified voter file to the appropriate city or township clerk for processing. An online absent voter ballot application signed using a stored digital signature or manual digital signature must be processed and treated identically as an absent voter ballot application signed with a physical handwritten signature. As used in this subsection:

(a) "Manual digital signature" means a digitally captured image of an elector's handwritten signature.

(b) "Stored digital signature" means the image of a registered elector's signature captured by the department of state and maintained in the department of state's motor vehicle database.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 1959, Act 171, Eff. Mar. 19, 1960;—Am. 1962, Act 90, Imd. Eff. Apr. 30, 1962;—Am. 1963, Act 237, Eff. Sept. 6, 1963;—Am. 1965, Act 354, Eff. Mar. 31, 1966;—Am. 1974, Act 189, Imd. Eff. July 2, 1974;—Am. 1975, Act 178, Imd. Eff. July 25, 1975;—Am. 1980, Act 344, Imd. Eff. Dec. 23, 1980;—Am. 1982, Act 201, Eff. Jan. 1, 1983;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2012, Act 523, Eff. Mar. 28, 2013;—Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020;—Am. 2020, Act 302, Eff. June 27, 2021;—Am. 2023, Act 82, Eff. Feb. 13, 2024;—Am. 2023, Act 270, Eff. Feb. 13, 2024.

Popular name: Election Code