

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.765b.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2023 REGULAR SESSION SINE DIE *****

168.765b.amended Procedure to spoil absent voter ballot.

Sec. 765b. (1) Not later than 5 p.m. on the second Friday before an election, an elector may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

(2) Upon receipt of a signed, written statement from an elector as described in subsection (1), the city or township clerk shall mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

(3) An elector who has returned an absent voter ballot may, before 5 p.m. on the second Friday before an election, appear in person at the elector's city or township clerk's office to do both of the following:

(a) Spoil the elector's absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have the elector's absent voter ballot spoiled.

- (b) Vote a new absent voter ballot in the clerk's office.

(4) Upon receipt of the signed, written statement from an elector as described in subsection (3)(a), the city or township clerk shall mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk shall issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

(5) Not later than 5 p.m. on the Friday immediately before an election, an elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

(6) Upon receipt of a signed, written statement from an elector as described in subsection (5), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

(7) An elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may, before 4 p.m. on the day before an election, except Sunday or a legal holiday, appear in person at the elector's city or township clerk's office to do both of the following:

(a) Spoil the elector's absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have the elector's absent voter ballot spoiled.

- (b) Vote a new absent voter ballot in the clerk's office.

(8) Upon receipt of the signed, written statement from an elector described in subsection (7)(a), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

- (9) An elector cannot spoil a ballot that has been tabulated.

History: Add. 2018, Act 127, Imd. Eff. May 3, 2018;—Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020;—Am. 2022, Act 195, Imd. Eff. Oct. 7, 2022;—Am. 2023, Act 81, Eff. (sine die).

Popular name: Election Code