

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 757**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 759, 761, 764a, 765, 765a, and 765b (MCL  
168.759, 168.761, 168.764a, 168.765, 168.765a, and 168.765b),  
sections 759 and 761 as amended by 2018 PA 603, section 764a as  
amended by 2012 PA 128, sections 765 and 765a as amended by 2020 PA  
95, and section 765b as added by 2018 PA 127, and by adding  
sections 14b, 24k, and 761d.

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

1           **Sec. 14b. As used in this act, "absent voter ballot secrecy**  
2 **envelope container" means a container described in section 24k that**  
3 **is used for storing and securing absent voter ballot secrecy**  
4 **envelopes that are removed from the absent voter ballot return**



1 envelopes on the day before election day as provided in section  
2 765.

3       Sec. 24k. (1) An absent voter ballot secrecy envelope  
4 container includes a ballot bag, box, transfer case, or other  
5 container used to store and secure absent voter ballot secrecy  
6 envelopes.

7       (2) A manufacturer or distributor of an absent voter ballot  
8 secrecy envelope container shall submit an absent voter ballot  
9 secrecy envelope container to the secretary of state for approval  
10 under the requirements of subsection (3) before the container is  
11 sold to a city or township for use at an election.

12       (3) The secretary of state shall not approve an absent voter  
13 ballot secrecy envelope container unless the container meets both  
14 of the following requirements:

15       (a) The container is made of metal, plastic, fiberglass, or  
16 other material, that provides resistance to tampering.

17       (b) The container is capable of being sealed.

18       (4) Before October 15, 2020, each board of county canvassers  
19 shall examine the absent voter ballot secrecy envelope containers  
20 to be used at the November 3, 2020 general election conducted under  
21 this act. The board of county canvassers shall designate on the  
22 absent voter ballot secrecy envelope container that the absent  
23 voter ballot secrecy envelope container does or does not meet the  
24 requirements under subsection (3). An absent voter ballot secrecy  
25 envelope container that is not approved by a board of county  
26 canvassers must not be used to store and secure any absent voter  
27 ballot secrecy envelopes.

28       (5) A city or township clerk may procure, at the expense of  
29 the respective city or township, absent voter ballot secrecy



1 envelope containers that are approved under this section, or may  
2 use a ballot container approved under section 24j, to store and  
3 secure any absent voter ballot secrecy envelopes.

4 (6) A city or township clerk who does not use 1 of the  
5 following, or permits the use of a container other than 1 of the  
6 following, to store and secure any absent voter ballot secrecy  
7 envelopes is guilty of a misdemeanor:

8 (a) An absent voter ballot secrecy envelope container approved  
9 under this section.

10 (b) A ballot container approved under section 24j.

11 (7) This section does not apply after December 31, 2020.

12 Sec. 759. (1) Subject to section 761(3), at any time during  
13 the 75 days before a primary or special primary, but not later than  
14 8 p.m. on the day of a primary or special primary, an elector may  
15 apply for an absent voter ballot. The elector shall apply in person  
16 or by mail with the clerk of the township or city in which the  
17 elector is registered. The clerk of a city or township shall not  
18 send by first-class mail an absent voter ballot to an elector after  
19 5 p.m. on the Friday immediately before the election. ~~In addition,~~  
20 **Except as otherwise provided in section 761(2),** the clerk of a city  
21 or township shall not issue an absent voter ballot to a registered  
22 elector in that city or township after 4 p.m. on the day before the  
23 election. An application received before a primary or special  
24 primary may be for either that primary only, or for that primary  
25 and the election that follows. An individual may submit a voter  
26 registration application and an absent voter ballot application at  
27 the same time if applying in person with the clerk or deputy clerk  
28 of the city or township in which the individual resides.  
29 Immediately after his or her voter registration application and



1 absent voter ballot application are approved by the clerk or deputy  
2 clerk, the individual may, subject to the identification  
3 requirement in section 761(6), complete an absent voter ballot at  
4 the clerk's office.

5 (2) Except as otherwise provided in subsection (1) and subject  
6 to section 761(3), at any time during the 75 days before an  
7 election, but not later than 8 p.m. on the day of an election, an  
8 elector may apply for an absent voter ballot. The elector shall  
9 apply in person or by mail with the clerk of the township, city, or  
10 village in which the voter is registered. The clerk of a city or  
11 township shall not send by first-class mail an absent voter ballot  
12 to an elector after 5 p.m. on the Friday immediately before the  
13 election. ~~In addition,~~ **Except as otherwise provided in section**  
14 **761(2)**, the clerk of a city or township shall not issue an absent  
15 voter ballot to a registered elector in that city or township after  
16 4 p.m. on the day before the election. An individual may submit a  
17 voter registration application and an absent voter ballot  
18 application at the same time if applying in person with the clerk  
19 or deputy clerk of the city or township in which the individual  
20 resides. Immediately after his or her voter registration  
21 application and absent voter ballot application are approved by the  
22 clerk, the individual may, subject to the identification  
23 requirement in section 761(6), complete an absent voter ballot at  
24 the clerk's office.

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

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

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



1 (c) On a federal postcard application.

2 (4) An applicant for an absent voter ballot shall sign the  
3 application. ~~A~~**Subject to section 761(2)**, a clerk or assistant  
4 clerk shall not deliver an absent voter ballot to an applicant who  
5 does not sign the application. A person shall not be in possession  
6 of a signed absent voter ballot application except for the  
7 applicant; a member of the applicant's immediate family; a person  
8 residing in the applicant's household; a person whose job normally  
9 includes the handling of mail, but only during the course of his or  
10 her employment; a registered elector requested by the applicant to  
11 return the application; or a clerk, assistant of the clerk, or  
12 other authorized election official. A registered elector who is  
13 requested by the applicant to return his or her absent voter ballot  
14 application shall sign the certificate on the absent voter ballot  
15 application.

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

21 "Application for absent voter ballot for:

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

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

25 (Check applicable election or elections)

26 I, ..... , a United States  
27 citizen and a qualified and registered elector of the .....  
28 precinct of the township of ..... or of the .....  
29 ward of the city of ..... , in the



1 county of ..... and state of Michigan,  
2 apply for an official ballot, or ballots, to be voted by me at the  
3 election or elections as requested in this application.

4 Send absent voter ballot to me at:

5 .....

6 (Street No. or R.R.

7 .....

8 (Post Office) (State) (Zip Code)

9 My registered address .....

10 (Street No. or R.R.)

11 .....

12 (Post Office) (State) (Zip Code)

13 Date.....

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

17 .....

18 (Signature)

19 WARNING

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

23 A person making a false statement in this absent voter ballot  
24 application is guilty of a misdemeanor. It is a violation of  
25 Michigan election law for a person other than those listed in the  
26 instructions to return, offer to return, agree to return, or  
27 solicit to return your absent voter ballot application to the  
28 clerk. An assistant authorized by the clerk who receives absent  
29 voter ballot applications at a location other than the clerk's



1 office must have credentials signed by the clerk. Ask to see his or  
2 her credentials before entrusting your application with a person  
3 claiming to have the clerk's authorization to return your  
4 application.

5 Certificate of Authorized Registered  
6 Elector Returning Absent Voter  
7 Ballot Application

8 I certify that my name is ..... , my address is  
9 ..... , and my date of birth is ..... ; that  
10 I am delivering the absent voter ballot application of  
11 ..... at his or her request; that I did not solicit  
12 or request to return the application; that I have not made any  
13 markings on the application; that I have not altered the  
14 application in any way; that I have not influenced the applicant;  
15 and that I am aware that a false statement in this certificate is a  
16 violation of Michigan election law.

17 \_\_\_\_\_  
18 (Date) (Signature)

19 (6) The following instructions for an applicant for an absent  
20 voter ballot must be included with each application furnished an  
21 applicant:

22 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

28 (a) Place the application in an envelope addressed to the  
29 appropriate clerk and place the necessary postage upon the return



1 envelope and deposit it in the United States mail or with another  
2 public postal service, express mail service, parcel post service,  
3 or common carrier.

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

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

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

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

20 (8) A person who makes a false statement in an absent voter  
21 ballot application is guilty of a misdemeanor. A person who forges  
22 a signature on an absent voter ballot application is guilty of a  
23 felony. A person who is not authorized in this act and who both  
24 distributes absent voter ballot applications to absent voters and  
25 returns those absent voter ballot applications to a clerk or  
26 assistant of the clerk is guilty of a misdemeanor.

27 Sec. 761. (1) If the clerk of a city or township receives an  
28 application for an absent voter ballot from a person registered to  
29 vote in that city or township and if the signature on the





1 application agrees with the signature for the person contained in  
2 the qualified voter file or on the registration card as required in  
3 subsection (2), the clerk immediately upon receipt of the  
4 application or, if the application is received before the printing  
5 of the absent voter ballots, as soon as the ballots are received by  
6 the clerk, shall forward by mail, postage prepaid, or shall deliver  
7 personally 1 of the ballots or set of ballots if there is more than  
8 1 kind of ballot to be voted to the applicant. Subject to the  
9 identification requirement in subsection (6), absent voter ballots  
10 may be delivered to an applicant in person at the office of the  
11 clerk.

12 (2) The qualified voter file must be used to determine the  
13 genuineness of a signature on an application for an absent voter  
14 ballot. Signature comparisons must be made with the digitized  
15 signature in the qualified voter file. If the qualified voter file  
16 does not contain a digitized signature of an elector, or is not  
17 accessible to the clerk, the city or township clerk shall compare  
18 the signature appearing on the application for an absent voter  
19 ballot to the signature contained on the master card. **If before 8**  
20 **p.m. on the day before election day the clerk of a city or township**  
21 **rejects an absent voter ballot application because the signature on**  
22 **the absent voter ballot application does not agree sufficiently**  
23 **with the signature on the master card or the digitized signature**  
24 **contained in the qualified voter file so as to identify the elector**  
25 **or because the elector failed to sign the absent voter ballot**  
26 **application, the city or township clerk shall as soon as**  
27 **practicable, but in no event later than 48 hours after determining**  
28 **the signatures do not agree sufficiently or that the signature is**  
29 **missing, or by 8 p.m. on the day before election day, whichever**



1 occurs first, notify the elector of the rejection by mail,  
2 telephone, or electronic mail.

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



1 (4) Absent voter ballots must be issued in the same order in  
2 which applications are received by the clerk of a city, township,  
3 or village, as nearly as may be, and each ballot issued must bear  
4 the lowest number of each kind available for this purpose. However,  
5 this provision does not prohibit a clerk from immediately issuing  
6 an absent voter ballot to an absent voter who applies in person in  
7 the clerk's office for absent voter ballots. The clerk shall  
8 enclose with the ballot or ballots a return envelope properly  
9 addressed to the clerk and bearing upon the back of the envelope a  
10 printed statement in substantially the following form:

11 TO BE COMPLETED

12 BY THE CLERK

_____		_____	
Name of Voter		Street Address or R.R.	
_____		_____	
City or Township		County	
Ward _____	Precinct _____	Date of Election _____	
=====			

19 TO BE COMPLETED BY THE ABSENT VOTER

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

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





1 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER  
2 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER  
3 AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER  
4 PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A  
5 FELONY.

6 (5) An absent voter who knowingly makes a false statement on  
7 the absent voter ballot return envelope is guilty of a misdemeanor.  
8 A person who assists an absent voter and who knowingly makes a  
9 false statement on the absent voter ballot return envelope is  
10 guilty of a felony.

11 (6) If an elector obtains his or her absent voter ballot in  
12 person from the clerk of the city or township in which he or she is  
13 registered, the clerk of the city or township shall not provide an  
14 absent voter ballot to that elector until the elector identifies  
15 himself or herself to the clerk by presenting identification for  
16 election purposes. If an elector does not have identification for  
17 election purposes, the elector may sign an affidavit to that effect  
18 before the clerk of the city or township and be allowed to obtain  
19 his or her absent voter ballot in person from the clerk. The clerk  
20 of the city or township shall indicate to each elector who is  
21 registered in that city or township and who obtains his or her  
22 absent voter ballot in person from the clerk that the elector may  
23 sign an affidavit indicating that the elector does not have  
24 identification for election purposes in order to obtain his or her  
25 absent voter ballot in person from the clerk. However, if an  
26 elector obtains his or her absent voter ballot in person from the  
27 clerk and votes by absent voter ballot without providing  
28 identification for election purposes required under this  
29 subsection, the absent voter ballot of that elector must be



1 prepared as a challenged ballot as provided in section 727 and must  
2 be counted as any other ballot is counted unless determined  
3 otherwise by a court of law under section 747 or 748 or any other  
4 applicable law.

5 **Sec. 761d. (1) Except as otherwise provided in this subsection**  
6 **and subsection (2), if an absent voter ballot drop box was ordered**  
7 **or installed in a city or township before October 1, 2020, that**  
8 **absent voter ballot drop box is exempt from the requirements of**  
9 **this section. Subsection (5) applies to an absent voter ballot drop**  
10 **box described in this subsection.**

11 (2) If an absent voter ballot drop box was ordered, but not  
12 installed in, a city or township before October 1, 2020, the clerk  
13 of that city or township must make every reasonable effort to have  
14 that absent voter ballot drop box comply with the requirements of  
15 this section.

16 (3) An absent voter ballot drop box must meet all of the  
17 following requirements:

18 (a) Be clearly labeled as an absent voter ballot drop box.

19 (b) Whether located indoors or outdoors, be securely locked  
20 and be designed to prevent the removal of absent voter ballots when  
21 locked.

22 (c) If located in an area that is not continuously staffed, be  
23 secured to prevent the removal of the absent voter ballot drop box  
24 from its location.

25 (4) If an absent voter ballot drop box is located outdoors,  
26 all of the following apply:

27 (a) The drop box must be securely locked and bolted to the  
28 ground or to another stationary object.

29 (b) The drop box must be equipped with a single slot or



1 mailbox-style lever to allow absent voter ballot return envelopes  
2 to be placed in the drop box, and all other openings on the drop  
3 box must be securely locked.

4 (c) The city or township clerk must use video monitoring of  
5 that drop box to ensure effective monitoring of that drop box.

6 (d) The drop box must be in a public, well-lit area with good  
7 visibility.

8 (e) The city or township clerk must immediately report to  
9 local law enforcement any vandalism involving the drop box or any  
10 suspicious activity occurring in the immediate vicinity of the drop  
11 box.

12 (5) Only a city or township clerk, his or her deputy clerk, or  
13 a sworn member of his or her staff, is authorized to collect absent  
14 voter ballots from an absent voter ballot drop box.

15 Sec. 764a. The following instructions for an absent voter  
16 shall ~~shall~~ **must** be included with each ballot or set of ballots furnished  
17 an absent voter:

18 INSTRUCTIONS FOR ABSENT VOTERS

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

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

24 Step 3. Place the ballot or ballots in the return envelope and  
25 securely seal the envelope.

26 Step 4. Sign and date the return envelope in the place  
27 designated. Your signature must appear on the return envelope or  
28 the ballot will not be counted. If you are disabled or otherwise  
29 unable to mark the ballot and required assistance in voting your



1 absent voter ballot, have the ~~person~~**individual** who assisted you  
 2 complete the section on the return envelope entitled "TO BE  
 3 COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER  
 4 ~~PERSON~~**INDIVIDUAL**".

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

7 (a) Place the necessary postage upon the return envelope and  
 8 deposit it in the United States mail or with another public postal  
 9 service, express mail service, parcel post service, or common  
 10 carrier.

11 (b) Deliver the envelope personally to the office of the  
 12 clerk, to the clerk, or to an authorized assistant of the clerk, **or**  
 13 **to a secure drop box located in the city or township.**

14 (c) In either (a) or (b), a member of the immediate family of  
 15 the voter including a father-in-law, mother-in-law, brother-in-law,  
 16 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
 17 grandchild or ~~a person~~**an individual** residing in the voter's  
 18 household may mail or deliver a ballot to the clerk for the voter.

19 (d) You may request by telephone that the clerk who issued the  
 20 ballot provide assistance in returning the ballot. The clerk is  
 21 required to provide assistance if you are unable to return your  
 22 absent voter ballot as specified in (a), (b), or (c) above, if it  
 23 is before 5 p.m. on the Friday immediately preceding the election,  
 24 and if you are asking the clerk to ~~pickup~~**pick up** the absent voter  
 25 ballot within the jurisdictional limits of the city, township, or  
 26 village in which you are registered. Your absent voter ballot will  
 27 then be picked up by the clerk or an election assistant sent by the  
 28 clerk. All ~~persons~~**individuals** authorized to pick up absent voter  
 29 ballots are required to carry credentials issued by the clerk. If





1 using this absent voter ballot return method, do not give your  
2 ballot to anyone until you have checked their credentials.

3 Step 6. The ballot must reach the clerk or an authorized  
4 assistant of the clerk before the close of the polls on election  
5 day. An absent voter ballot received by the clerk or assistant of  
6 the clerk after the close of the polls on election day will not be  
7 counted.

8 WARNING

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

11 (1) To vote an absent voter ballot at a meeting or gathering  
12 at which other ~~people~~**individuals** are voting absent voter ballots.

13 (2) For a ~~person~~**an individual** who is assisting an absent  
14 voter in marking the ballot to suggest or in any manner attempt to  
15 influence the absent voter on how he or she should vote.

16 (3) For a ~~person~~**an individual** who is present and knows that a  
17 ~~person~~**an individual** is voting an absent voter ballot to suggest or  
18 in any manner attempt to influence the absent voter on how he or  
19 she should vote.

20 (4) For a ~~person~~**an individual** other than those listed in  
21 these instructions to return, offer to return, agree to return, or  
22 solicit to return an absent voter ballot to the clerk.

23 (5) For a ~~person~~**an individual** other than the absent voter; a  
24 ~~person~~**an individual** listed in these instructions; or a ~~person~~**an**  
25 **individual** whose job it is to handle mail before, during, or after  
26 being transported by a public postal service, express mail service,  
27 parcel post service, or common carrier, but only during the normal  
28 course of his or her employment to be in possession of a voted or  
29 unvoted absent voter ballot.



1           Sec. 765. (1) ~~A~~**Except as otherwise provided in subsection**  
 2     **(6),** a clerk who receives an absent voter ballot return envelope  
 3     containing the marked ballots of an absent voter shall not open  
 4     that envelope before delivering the envelope to the board of  
 5     election inspectors as provided in this section. ~~The~~**Except as**  
 6     **otherwise provided in subsection (6), the** city or township clerk  
 7     shall safely keep in his or her office until election day any  
 8     absent voter ballot return envelopes received by the clerk before  
 9     election day containing the marked ballots of an absent voter.

10           (2) Before the opening of the polls on election day or as soon  
 11    after the opening of the polls as possible, the clerk shall deliver  
 12    the absent voter ballot return envelopes to the chairperson or  
 13    other member of the board of election inspectors in the absent  
 14    voter's precinct, together with the signed absent voter ballot  
 15    applications received by the clerk from any voters of that precinct  
 16    and the clerk's list or record kept relative to those absent  
 17    voters. However, if higher numbered ballots are used under section  
 18    717, the clerk shall retain the applications and lists in his or  
 19    her office and shall keep the applications and lists open to public  
 20    inspection at all reasonable hours. Absent voter ballots must not  
 21    be tabulated before the opening of the polls on election day.

22           (3) The city or township clerk, or authorized designee of the  
 23    clerk, shall call for and receive absent voter ballots from the  
 24    post office at which the city or township clerk regularly receives  
 25    mail addressed to the city or township clerk on election day. Any  
 26    envelopes containing absent voter ballots that are received from  
 27    the post office or from voters who voted by absentee ballot in  
 28    person in the clerk's office on election day must be delivered to  
 29    the board of election inspectors or, except as otherwise provided



1 in section 764d, the absent voter counting boards to be tabulated.

2 (4) If a marked absent voter ballot is received by the clerk  
3 after the close of the polls, the clerk shall plainly mark the  
4 envelope with the time and date of receipt and shall file the  
5 envelope in his or her office.

6 (5) On or before 8 a.m. on election day, the clerk shall post  
7 in the clerk's office or otherwise make public the number of absent  
8 voter ballots the clerk distributed to absent voters and the number  
9 of absent voter ballot return envelopes containing the marked  
10 ballots of absent voters received by the clerk before election day  
11 and to be delivered to the board of election inspectors or the  
12 absent voter counting boards under this act. On or before 9 p.m. on  
13 election day, the clerk shall post in the clerk's office or  
14 otherwise make public the number of absent voter ballot return  
15 envelopes containing the marked ballots of absent voters received  
16 by the clerk on election day and delivered to the board of election  
17 inspectors, under subsection (3), along with the total number of  
18 absent voter ballot return envelopes containing the marked ballots  
19 of absent voters received by the clerk both before and on election  
20 day and delivered to the board of election inspectors or the absent  
21 voter counting boards under this act. As soon as possible after all  
22 precincts in the city or township are processed, the clerk shall  
23 post in the clerk's office or otherwise make public the number of  
24 absent voter ballot return envelopes containing the marked ballots  
25 of absent voters received by the election inspectors at the  
26 precincts on election day, along with the total number of absent  
27 voter ballot return envelopes containing the marked ballots of  
28 absent voters received in the city or township for that election.  
29 This subsection applies only to elections in which a federal or



1 state office appears on the ballot.

2 (6) For the November 3, 2020 general election only, if the  
3 clerk of a city or township with a population of at least 25,000  
4 provides written notice in compliance with this subsection to the  
5 secretary of state 20 days or more before election day, that city  
6 or township clerk, or his or her authorized designee, may between  
7 the hours of 10 a.m. and 8 p.m. on the day before election day  
8 perform certain absent voter ballot pre-processing activities as  
9 described in this subsection. The written notice provided to the  
10 secretary of state must include the location and hours that the  
11 absent voter ballot return envelopes will be opened in that city or  
12 township. The secretary of state shall post any written notice  
13 received from the clerk of a city or township under this subsection  
14 on the department of state website. In addition, the clerk of the  
15 city or township shall post the written notice provided to the  
16 secretary of state on the city or township website. The board of  
17 election commissioners shall appoint election inspectors to the  
18 location where absent voter ballot return envelopes will be opened  
19 in that city or township not less than 21 days or more than 40 days  
20 before the day at which they are to be used. Election inspectors  
21 may be appointed by the board of election commissioners under this  
22 subsection before written notice is provided to the secretary of  
23 state under this subsection. Sections 673a and 674 apply to the  
24 appointment of election inspectors under this subsection. All  
25 requirements for election inspectors appointed to an absent voter  
26 counting board under section 765a apply to election inspectors  
27 appointed under this subsection. At all times, at least 1 election  
28 inspector from each major political party must be present at the  
29 location and the policies and procedures adopted by the secretary



1 of state regarding the handling of absent voter ballot return  
2 envelopes and absent voter ballot secrecy envelopes must be  
3 followed. After providing written notice to the secretary of state  
4 in compliance with this subsection, a city or township clerk, or  
5 his or her authorized designee, on the day before election day is  
6 only authorized to perform standard processing activities up to and  
7 including the opening of absent voter ballot return envelopes and  
8 the removal of absent voter ballot secrecy envelopes containing  
9 absent voter ballots and to verify that the ballot number on the  
10 ballot stub agrees with the ballot number on the absent voter  
11 ballot return envelope label. The city or township clerk, or his or  
12 her authorized designee, is not authorized to remove absent voter  
13 ballots from the absent voter ballot secrecy envelopes. If an  
14 opened absent voter ballot return envelope contains an absent voter  
15 ballot that is not contained in an absent voter ballot secrecy  
16 envelope, the city or township clerk, or his or her designee, shall  
17 immediately insert that absent voter ballot into an absent voter  
18 ballot secrecy envelope. The opening of absent voter ballot return  
19 envelopes must be done at a location designated by the city or  
20 township clerk, and the location and opening of absent voter ballot  
21 return envelopes must be accessible to challengers as described in  
22 section 730. The election inspectors appointed to the location  
23 where absent voter ballot return envelopes will be opened in that  
24 city or township must never leave the absent voter ballot secrecy  
25 envelopes unattended. Once the absent voter ballot return envelopes  
26 have been opened as provided in this subsection, the absent voter  
27 ballot secrecy envelopes containing the absent voter ballots to be  
28 counted must be stored, secured, and sealed in an absent voter  
29 ballot secrecy envelope container, as described in section 24k, or



1 stored, secured, and sealed in a ballot container approved under  
2 section 24j. The city or township clerk shall record the seal  
3 number in the poll book, or an addendum to the poll book, and  
4 follow all other policies and procedures adopted by the secretary  
5 of state regarding absent voter ballots. The poll book, or an  
6 addendum to the poll book, must be signed and dated by 1 election  
7 inspector from each major political party who is present at the  
8 location on the day before election day. The city or township clerk  
9 shall store the absent voter ballot secrecy envelope container  
10 containing the absent voter ballot secrecy envelopes in a secure  
11 location until election day.

12 (7) The election inspectors who are appointed under subsection  
13 (6) shall record in the poll book, or an addendum to the poll book,  
14 all of the following:

15 (a) The number of absent voter ballot return envelopes that  
16 were opened on the day before election day.

17 (b) The number of absent voter ballot return envelopes  
18 delivered to the election inspectors that did not contain an  
19 elector's signature and that were returned to the city or township  
20 clerk.

21 (c) The number of absent voter ballot return envelopes that  
22 were challenged, not opened by the election inspectors, and set  
23 aside to be processed by the election inspectors on election day.

24 (8) The election inspectors who are appointed to an absent  
25 voter counting board on election day as provided in section 765a  
26 shall do all of the following:

27 (a) Verify the seal number recorded in the poll book, or an  
28 addendum to the poll book, for any absent voter ballot secrecy  
29 envelope container delivered to the absent voter counting board.



1 (b) Count and record in the poll book, or an addendum to the  
2 poll book, both of the following:

3 (i) The number of absent voter ballot return envelopes opened  
4 by the election inspectors on the day before election day as  
5 provided under subsection (6) and the number of absent voter ballot  
6 secrecy envelopes delivered to the absent voter counting board on  
7 election day.

8 (ii) The number of absent voter ballot return envelopes that  
9 were challenged, not opened by the election inspectors on the day  
10 before election day, and set aside to be processed by the election  
11 inspectors on election day.

12 (9) Not later than March 1, 2021, the secretary of state shall  
13 provide a written report to the house and senate committees dealing  
14 with elections that contains all of the following information:

15 (a) The number of cities and townships that performed absent  
16 voter ballot pre-processing activities as described in subsection  
17 (6).

18 (b) The names of the cities and townships that performed  
19 absent voter ballot pre-processing activities as described in  
20 subsection (6), and all of the following information for each of  
21 those cities and townships:

22 (i) The number of registered electors in each city or township.

23 (ii) The number of active registered electors in each city or  
24 township.

25 (iii) The number of electors who voted by absent voter ballot in  
26 each city or township.

27 (iv) The number of electors who voted in person on election day  
28 in each city or township.

29 (v) The number of absent voter ballots that were not returned



1 in each city or township.

2 (vi) The number of electors on a permanent absent voter list in  
3 each city or township, if applicable.

4 (vii) The number of ballots that had to be duplicated in each  
5 city or township.

6 (c) The total number of absent voter ballot return envelopes  
7 that were opened on the day before election day.

8 (d) The total number of absent voter ballot return envelopes  
9 delivered to the election inspectors that did not contain an  
10 elector's signature and that were returned to the city or township  
11 clerk.

12 (e) The total number of absent voter ballot return envelopes  
13 that were challenged, not opened by the election inspectors, and  
14 set aside to be processed by the election inspectors on election  
15 day.

16 (f) The total number of absent voter ballot secrecy envelopes  
17 that were stored in an absent voter ballot secrecy envelope  
18 container.

19 (g) For each city or township that performed absent voter  
20 ballot pre-processing activities as described in subsection (6),  
21 whether the number of absent voter ballot return envelopes opened  
22 on the day before election day matched the number of absent voter  
23 ballot secrecy envelopes delivered to the absent voter counting  
24 board on election day.

25 Sec. 765a. (1) Subject to section 764d, if a city or township  
26 decides to use absent voter counting boards, the board of election  
27 commissioners of that city or township shall establish an absent  
28 voter counting board for each election day precinct in that city or  
29 township. The ballot form of an absent voter counting board must





1 correspond to the ballot form of the election day precinct for  
2 which it is established. After the polls close on election day, the  
3 county, city, or township clerk responsible for producing the  
4 accumulation report of the election results submitted by the boards  
5 of precinct election inspectors shall format the accumulation  
6 report to clearly indicate all of the following:

- 7 (a) The election day precinct returns.  
8 (b) The corresponding absent voter counting board returns.  
9 (c) A total of each election day precinct return and each  
10 corresponding absent voter counting board return.

11 (2) Subject to section 764d, the board of election  
12 commissioners shall establish the absent voter counting boards.  
13 Subject to section 764d, the board of election commissioners shall  
14 appoint the election inspectors to those absent voter counting  
15 boards not less than 21 days or more than 40 days before the  
16 election at which they are to be used. Sections 673a and 674 apply  
17 to the appointment of election inspectors to absent voter counting  
18 boards under this section. The board of election commissioners  
19 shall determine the number of ballots that may be expeditiously  
20 counted by an absent voter counting board in a reasonable period of  
21 time, taking into consideration the size and complexity of the  
22 ballot to be counted pursuant to the guidelines of the secretary of  
23 state. Combined ballots must be regarded as the number of ballots  
24 as there are sections to the ballot.

25 (3) If more than 1 absent voter counting board is to be used,  
26 the city or township clerk shall determine the number of electronic  
27 voting systems or the number of ballot boxes and the number of  
28 election inspectors to be used in each of the absent voter counting  
29 boards and to which absent voter counting board the absent voter



1 ballots for each precinct are assigned for counting.

2 (4) In a city or township that uses absent voter counting  
3 boards under this section, absent voter ballots must be counted in  
4 the manner provided in this section and, except as otherwise  
5 provided in section 764d, absent voter ballots must not be  
6 delivered to the polling places. Subject to section 764d, the board  
7 of election commissioners shall provide a place for each absent  
8 voter counting board to count the absent voter ballots. Section 662  
9 applies to the designation and prescribing of the absent voter  
10 counting place or places in which the absent voter counting board  
11 performs its duties under this section, except the location may be  
12 in a different jurisdiction if the county provides a tabulator for  
13 use at a central absent voter counting board location in that  
14 county. The places must be designated as absent voter counting  
15 places. Except as otherwise provided in this section, laws relating  
16 to paper ballot precincts, including laws relating to the  
17 appointment of election inspectors, apply to absent voter counting  
18 places. The provisions of this section relating to placing of  
19 absent voter ballots on electronic voting systems apply. More than  
20 1 absent voter counting board may be located in 1 building.

21 (5) The clerk of a city or township that uses absent voter  
22 counting boards shall supply each absent voter counting board with  
23 supplies necessary to carry out its duties under this act. The  
24 supplies must be furnished to the city or township clerk in the  
25 same manner and by the same persons or agencies as for other  
26 precincts.

27 (6) Subject to section 764d, absent voter ballots received by  
28 the clerk before election day must be delivered to the absent voter  
29 counting board by the clerk or the clerk's authorized assistant at



1 the time the election inspectors of the absent voter counting  
2 boards report for duty, which time must be established by the board  
3 of election commissioners. Except as otherwise provided in section  
4 764d, absent voter ballots received by the clerk before the time  
5 set for the closing of the polls on election day must be delivered  
6 to the absent voter counting boards. ~~Absent~~ **Except as otherwise**  
7 **provided in section 765(6), absent** voter ballots must be delivered  
8 to the absent voter counting boards or combined absent voter  
9 counting boards in the sealed absent voter ballot return envelopes  
10 in which they were returned to the clerk. Written or stamped on  
11 each of the return envelopes must be the time and the date that the  
12 envelope was received by the clerk and a statement by the clerk  
13 that the signatures of the absent voters on the envelopes have been  
14 checked and found to agree with the signatures of the voters on the  
15 registration cards or the digitized signatures of voters contained  
16 in the qualified voter file as provided under section 766. If **it is**  
17 **determined after 8 p.m. on the day before election day that a**  
18 signature on the registration card or a digitized signature  
19 contained in the qualified voter file and on the absent voter  
20 ballot return envelope does not agree as provided under section  
21 766, if **it is determined after 8 p.m. on the day before election**  
22 **day that** the absent voter failed to sign the envelope, or if the  
23 statement of the absent voter is not properly executed, the clerk  
24 shall mark the envelope "rejected" and the reason for the rejection  
25 and shall place his or her name under the notation. An envelope  
26 marked "rejected" must not be delivered to the absent voter  
27 counting board or combined absent voter counting board but must be  
28 preserved by the clerk until other ballots are destroyed in the  
29 manner provided in this act. **If before 8 p.m. on the day before**



1 election day the clerk of a city or township rejects an absent  
2 voter ballot return envelope because the signature on the absent  
3 voter ballot return envelope does not agree sufficiently with the  
4 signature on the master card or the digitized signature contained  
5 in the qualified voter file so as to identify the elector or  
6 because the elector failed to sign the absent voter ballot return  
7 envelope, the city or township clerk shall as soon as practicable,  
8 but in no event later than 48 hours after determining the  
9 signatures do not agree sufficiently or that the signature is  
10 missing, or by 8 p.m. on the day before election day, whichever  
11 occurs first, notify the elector of the rejection by mail,  
12 telephone, or electronic mail. The clerk shall also comply with  
13 section 765(5).

14 (7) This chapter does not prohibit an absent voter from voting  
15 in person within the voter's precinct at an election,  
16 notwithstanding that the voter may have applied for an absent voter  
17 ballot and the ballot may have been mailed or otherwise delivered  
18 to the voter. The voter, the election inspectors, and other  
19 election officials shall proceed in the manner prescribed in  
20 section 769. The clerk shall preserve the canceled ballots for 2  
21 years.

22 (8) The absent voter counting boards and combined absent voter  
23 counting boards shall process the ballots and returns in as nearly  
24 as possible the same manner as ballots are processed in paper  
25 ballot precincts. The poll book may be combined with the absent  
26 voter list or record required by section 760, and the applications  
27 for absent voter ballots may be used as the poll list. The  
28 processing and tallying of absent voter ballots may commence at 7  
29 a.m. on the day of the election.



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

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

11 (10) The oaths administered under subsection (9) must be  
12 placed in an envelope provided for the purpose and sealed with the  
13 red state seal. Following the election, the oaths must be delivered  
14 to the city or township clerk. Except as otherwise provided in  
15 subsection (12), a person in attendance at the absent voter  
16 counting place or combined absent voter counting place shall not  
17 leave the counting place after the tallying has begun until the  
18 polls close. **Subject to this subsection, the clerk of a city or**  
19 **township may allow the election inspectors appointed to an absent**  
20 **voter counting board in that city or township to work in shifts. A**  
21 **second or subsequent shift of election inspectors appointed for an**  
22 **absent voter counting board may begin that shift at any time on**  
23 **election day as provided by the city or township clerk. However, an**  
24 **election inspector shall not leave the absent voter counting place**  
25 **after the tallying has begun until the polls close. If the election**  
26 **inspectors appointed to an absent voter counting board are**  
27 **authorized to work in shifts, at no time shall there be a gap**  
28 **between shifts and the election inspectors must never leave the**  
29 **absent voter ballots unattended. At all times, at least 1 election**



1 **inspector from each major political party must be present at the**  
2 **absent voter counting place and the policies and procedures adopted**  
3 **by the secretary of state regarding the counting of absent voter**  
4 **ballots must be followed.** A person who causes the polls to be  
5 closed or who discloses an election result or in any manner  
6 characterizes how any ballot being counted has been voted in a  
7 voting precinct before the time the polls can be legally closed on  
8 election day is guilty of a felony.

9 (11) Voted absent voter ballots must be placed in an approved  
10 ballot container, and the ballot container must be sealed in the  
11 manner provided by this act for paper ballot precincts. The seal  
12 numbers must be recorded on the statement sheet and in the poll  
13 book.

14 (12) Subject to this subsection, a local election official who  
15 has established an absent voter counting board or combined absent  
16 voter counting board, the deputy or employee of that local election  
17 official, an employee of the state bureau of elections, a county  
18 clerk, an employee of a county clerk, or a representative of a  
19 voting equipment company may enter and leave an absent voter  
20 counting board or combined absent voter counting board after the  
21 tally has begun but before the polls close. A person described in  
22 this subsection may enter an absent voter counting board or  
23 combined absent voter counting board only for the purpose of  
24 responding to an inquiry from an election inspector or a challenger  
25 or providing instructions on the operation of the counting board.  
26 Before entering an absent voter counting board or combined absent  
27 voter counting board, a person described in this subsection must  
28 take and sign the oath prescribed in subsection (9). The  
29 chairperson of the absent voter counting board or combined absent



1 voter counting board shall record in the poll book the name of a  
 2 person described in this subsection who enters the absent voter  
 3 counting board or combined absent voter counting board. A person  
 4 described in this subsection who enters an absent voter counting  
 5 board or combined absent voter counting board and who discloses an  
 6 election result or in any manner characterizes how any ballot being  
 7 counted has been voted in a precinct before the time the polls can  
 8 be legally closed on election day is guilty of a felony. As used in  
 9 this subsection, "local election official" means a county, city, or  
 10 township clerk.

11 (13) The secretary of state shall develop instructions  
 12 consistent with this act for the conduct of absent voter counting  
 13 boards or combined absent voter counting boards. The secretary of  
 14 state shall distribute the instructions developed under this  
 15 subsection to county, city, and township clerks 40 days or more  
 16 before a general election in which absent voter counting boards or  
 17 combined absent voter counting boards will be used. A county, city,  
 18 or township clerk shall make the instructions developed under this  
 19 subsection available to the public and shall distribute the  
 20 instructions to each challenger in attendance at an absent voter  
 21 counting board or combined absent voter counting board. The  
 22 instructions developed under this subsection are binding upon the  
 23 operation of an absent voter counting board or combined absent  
 24 voter counting board used in an election conducted by a county,  
 25 city, or township.

26 Sec. 765b. (1) Not later than ~~2-5~~ p.m. on the ~~Saturday-Friday~~  
 27 immediately before an election, an elector may submit a signed,  
 28 written statement to his or her city or township clerk requesting  
 29 that the clerk do both of the following:



1 (a) Spoil the elector's absent voter ballot.

2 (b) Provide or mail a new absent voter ballot to the elector.

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

9 (3) An elector who has returned an absent voter ballot may,  
10 before ~~4 p.m.~~ **10 a.m.** on the day before an election except Sunday  
11 or a legal holiday, appear in person at his or her city or township  
12 clerk's office to do both of the following:

13 (a) Spoil his or her absent voter ballot by submitting a  
14 signed, written statement to the city or township clerk indicating  
15 that the elector wishes to have his or her absent voter ballot  
16 spoiled.

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

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

24 (5) Not later than ~~2-5~~ p.m. on the ~~Saturday~~ **Friday** immediately  
25 before an election, an elector who has lost his or her absent voter  
26 ballot or not yet received his or her absent voter ballot in the  
27 mail may submit a signed, written statement to his or her city or  
28 township clerk requesting that the clerk do both of the following:

29 (a) Spoil the elector's absent voter ballot.





1 (b) Provide or mail a new absent voter ballot to the elector.

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

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

12 (a) Spoil his or her absent voter ballot by submitting a  
13 signed, written statement to the city or township clerk indicating  
14 that the elector wishes to have his or her absent voter ballot  
15 spoiled.

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

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

