

**SUBSTITUTE FOR  
HOUSE BILL NO. 5288**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

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

1           Sec. 759. (1) Subject to section 761(3), at any time during  
2 the 75 days before a primary or special primary, but not later than  
3 8 p.m. on the day of a primary or special primary, an elector may  
4 apply for an absent voter ballot. The elector shall apply in person  
5 or **in writing** by mail, **email**, or **facsimile** with the clerk of the  
6 township or city in which the elector is registered. **An absent**  
7 **voter ballot application must not be sent out or made available to**  
8 **an elector more than 75 days before an election.** The clerk of a  
9 city or township shall not send by first-class mail an absent voter



1 ballot to an elector after 5 p.m. on the Friday immediately before  
2 the election. Except as otherwise provided in section 761(2), the  
3 clerk of a city or township shall not issue an absent voter ballot  
4 to a registered elector in that city or township after 4 p.m. on  
5 the day before the election. An application received before a  
6 primary or special primary may be for either that primary only, or  
7 for that primary and the election that follows. An individual may  
8 submit a voter registration application and an absent voter ballot  
9 application at the same time if applying in person with the clerk  
10 or deputy clerk of the city or township in which the individual  
11 resides. Immediately after his or her voter registration  
12 application and absent voter ballot application are approved by the  
13 clerk or deputy clerk, the individual may, subject to the  
14 identification requirement in section 761(6), complete an absent  
15 voter ballot at the clerk's office.

16 (2) Except as otherwise provided in subsection (1) and subject  
17 to section 761(3), at any time during the 75 days before an  
18 election, but not later than 8 p.m. on the day of an election, an  
19 elector may apply for an absent voter ballot. The elector shall  
20 apply in person or **in writing** by mail, **email**, or **facsimile** with the  
21 clerk of the township ~~, or city, or village~~ in which the voter is  
22 registered. **An absent voter ballot application must not be sent out**  
23 **or made available to an elector more than 75 days before an**  
24 **election.** The clerk of a city or township shall not send by first-  
25 class mail an absent voter ballot to an elector after 5 p.m. on the  
26 Friday immediately before the election. Except as otherwise  
27 provided in section 761(2), the clerk of a city or township shall  
28 not issue an absent voter ballot to a registered elector in that  
29 city or township after 4 p.m. on the day before the election. An



1 individual may submit a voter registration application and an  
2 absent voter ballot application at the same time if applying in  
3 person with the clerk or deputy clerk of the city or township in  
4 which the individual resides. Immediately after his or her voter  
5 registration application and absent voter ballot application are  
6 approved by the clerk, the individual may, subject to the  
7 identification requirement in section 761(6), complete an absent  
8 voter ballot at the clerk's office.

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

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

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

14 (c) On a federal postcard application.

15 (4) An applicant for an absent voter ballot ~~shall~~**must**  
16 **physically** sign the application. **An applicant for an absent voter**  
17 **ballot is not authorized to use a digital or electronic signature**  
18 **to sign the application. The secretary of state, a county, city, or**  
19 **township clerk, an organization, and any individual employed by,**  
20 **contracted by, or associated with an organization, is not**  
21 **authorized to provide an online absent voter ballot application**  
22 **that does not require the applicant to physically sign the**  
23 **application.** Subject to section 761(2), a clerk or assistant clerk  
24 shall not deliver an absent voter ballot to an applicant who does  
25 not **physically** sign the application. A person shall not be in  
26 possession of a signed absent voter ballot application except for  
27 the applicant; a member of the applicant's immediate family; a  
28 person residing in the applicant's household; a person whose job  
29 normally includes the handling of mail, but only during the course



1 of his or her employment; a registered elector requested by the  
2 applicant to return the application; or a clerk, assistant of the  
3 clerk, or other authorized election official. A registered elector  
4 who is requested by the applicant to return his or her absent voter  
5 ballot application ~~shall~~**must physically** sign the certificate on  
6 the absent voter ballot application.

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

12 "Application for absent voter ballot for:

13 [ ] The primary or special primary election to be held on

14 \_\_\_\_\_ (Date).

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

16 (Check applicable election or elections)

17 I, ..... , a United States  
18 citizen and a qualified and registered elector of the .....  
19 precinct of the township of ..... or of the .....  
20 ward of the city of ..... , in the  
21 county of ..... and state of Michigan,  
22 apply for an official ballot, or ballots, to be voted by me at the  
23 election or elections as requested in this application.

24 Send absent voter ballot to me at:

25 .....  
26 (Street No. or R.R. or Designated Address)

27 .....  
28 (Post Office) (State) (Zip Code)

29 My registered address .....



1 (Street No. or R.R. or Participant  
2 Identification Number)  
3 .....  
4 (Post Office) (State) (Zip Code)  
5 Date.....

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

9 .....  
10 (Signature)

11 WARNING

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

15 A person making a false statement in this absent voter ballot  
16 application is guilty of a misdemeanor. It is a violation of  
17 Michigan election law for a person other than those listed in the  
18 instructions to return, offer to return, agree to return, or  
19 solicit to return your absent voter ballot application to the  
20 clerk. An assistant authorized by the clerk who receives absent  
21 voter ballot applications at a location other than the clerk's  
22 office must have credentials signed by the clerk. Ask to see his or  
23 her credentials before entrusting your application with a person  
24 claiming to have the clerk's authorization to return your  
25 application.

26 Certificate of Authorized Registered  
27 Elector Returning Absent Voter  
28 Ballot Application  
29



1 I certify that my name is ..... , my address is  
2 ..... , and my date of birth is ..... ; that  
3 I am delivering the absent voter ballot application of  
4 ..... at his or her request; that I did not solicit  
5 or request to return the application; that I have not made any  
6 markings on the application; that I have not altered the  
7 application in any way; that I have not influenced the applicant;  
8 and that I am aware that a false statement in this certificate is a  
9 violation of Michigan election law.

10 \_\_\_\_\_  
11 (Date) (Signature)"

12 (6) The following instructions for an applicant for an absent  
13 voter ballot must be included with each application furnished an  
14 applicant:

15 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

21 (a) Place the application in an envelope addressed to the  
22 appropriate clerk and place the necessary postage upon the return  
23 envelope and deposit it in the United States mail or with another  
24 public postal service, express mail service, parcel post service,  
25 or common carrier.

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

28 (c) In either (a) or (b), a member of the immediate family of  
29 the voter including a father-in-law, mother-in-law, brother-in-law,



1 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
2 grandchild or a person residing in the voter's household may mail  
3 or deliver the application to the clerk for the applicant.

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

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

13 (8) A person who makes a false statement in an absent voter  
14 ballot application is guilty of a misdemeanor. A person who forges  
15 a signature on an absent voter ballot application is guilty of a  
16 felony. A person who is not authorized in this act and who both  
17 distributes absent voter ballot applications to absent voters and  
18 returns those absent voter ballot applications to a clerk or  
19 assistant of the clerk is guilty of a misdemeanor.

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

