

HOUSE BILL NO. 5514

November 03, 2021, Introduced by Reps. Kuppa, Manoogian, Garza, Koleszar, Puri, Breen, Morse, Lasinski, Stone, Hope, Cynthia Johnson, Haadsma, Sabo, Steckloff, Scott, Cavanagh, Sowerby, Hood, Tate, Yancey and Anthony and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) An absent uniformed services voter or an
2 overseas voter who is not registered, but possessed the
3 qualifications of an elector under section 492, may apply for
4 registration by using the federal postcard application. The
5 department of state, bureau of elections, is responsible for

1 disseminating information on the procedures for registering and
2 voting to an absent uniformed services voter and an overseas voter.

3 (2) Upon the request of an absent uniformed services voter or
4 an overseas voter, the clerk of a county, city, township, or
5 village shall electronically transmit a blank voter registration
6 application or blank absent voter ballot application to the voter.
7 The clerk of a county, city, township, or village shall accept a
8 completed voter registration application or completed absent voter
9 ballot application electronically transmitted by an absent
10 uniformed services voter or overseas voter. A voter registration
11 application or absent voter ballot application submitted by an
12 absent uniformed services voter or overseas voter ~~shall~~**must**
13 contain the signature of the voter.

14 (3) A spouse or dependent of an overseas voter who is a
15 citizen of the United States, is accompanying that overseas voter,
16 and is not a qualified and registered elector anywhere else in the
17 United States, may apply for an absent voter ballot even though the
18 spouse or dependent is not a qualified elector of a city or
19 township of this state.

20 (4) An absent uniformed services voter or an overseas voter,
21 whether or not registered to vote, may apply for an absent voter
22 ballot. Upon receipt of an application for an absent voter ballot
23 under this section that complies with this act, a county, city,
24 village, or township clerk shall forward to the applicant the
25 absent voter ballots requested, the forms necessary for
26 registration, and instructions for completing the forms. If the
27 ballots are not yet available at the time of receipt of the
28 application, the clerk shall immediately forward to the applicant
29 the registration forms and instructions, and forward the ballots as

1 soon as they are available. If a federal postcard application or an
 2 application from the official United States ~~department~~**Department**
 3 of ~~defense~~**Defense** website is filed, the clerk shall accept the
 4 federal postcard application or the application from the official
 5 United States ~~department~~**Department** of ~~defense~~**Defense** website as
 6 the registration application and shall not send any additional
 7 registration forms to the applicant. If the ballots and
 8 registration forms are received before the close of the polls on
 9 election day and if the registration complies with the requirements
 10 of this act, the absent voter ballots ~~shall~~**must** be delivered to
 11 the proper election board to be tabulated. If the registration does
 12 not comply with the requirements of this act, the clerk shall
 13 retain the absent voter ballots until the expiration of the time
 14 that the voted ballots must be kept and shall then destroy the
 15 ballots without opening the envelope. The clerk may retain
 16 registration forms completed under this section in a separate file.
 17 The address in this state shown on a registration form is the
 18 residence of the registrant.

19 (5) Not later than 45 days before an election, a county, city,
 20 township, or village clerk shall electronically transmit or mail as
 21 appropriate an absent voter ballot to each absent uniformed
 22 services voter or overseas voter who applied for an absent voter
 23 ballot 45 days or more before the election.

24 (6) Upon the request of an absent uniformed services voter or
 25 overseas voter, the clerk of a county, city, township, or village
 26 shall electronically transmit an absent voter ballot to the voter.
 27 ~~The~~**Except as otherwise provided in this subsection, the** voter
 28 shall print the absent voter ballot and return the voted ballot by
 29 mail to the appropriate clerk. **An eligible member may**

1 electronically return a voted ballot to the appropriate city or
2 township clerk to be counted under the policies and procedures
3 established by the secretary of state as set forth in subsection
4 (17).

5 (7) The secretary of state shall prescribe electronic absent
6 voter ballot formats and electronic absent voter ballot
7 transmission methods. Each county, city, township, or village clerk
8 shall employ the prescribed electronic ballot formats to fulfill an
9 absent voter ballot request received from an absent uniformed
10 services voter or overseas voter who wishes to receive his or her
11 absent voter ballot through an electronic transmission. The
12 secretary of state shall establish procedures to implement the
13 requirements in this section and for the processing of a marked
14 absent voter ballot returned by an absent uniformed services voter
15 or overseas voter who obtained his or her absent voter ballot
16 through an electronic transmission.

17 (8) The secretary of state shall modify the printed statement
18 provided under section 761(4) and the absent voter ballot
19 instructions provided under section 764a as appropriate to
20 accommodate the procedures developed for electronically
21 transmitting an absent voter ballot to an absent uniformed services
22 voter or overseas voter. A statement ~~shall~~**must** be included in the
23 certificate signed by the absent voter who obtained his or her
24 absent voter ballot through an electronic transmission that the
25 secrecy of the absent voter ballot may be compromised during the
26 duplication process. The absent voter ballot instructions provided
27 to an absent uniformed services voter or overseas voter ~~shall~~**must**
28 include the proper procedures for returning the absent voter ballot
29 to the appropriate clerk.

1 (9) The size of a precinct ~~shall~~**must** not be determined by
2 registration forms completed under this section.

3 (10) An absent uniformed services voter or an overseas voter
4 who submits an absent voter ballot application is eligible to vote
5 as an absent voter in any local, state, or federal election
6 occurring in the calendar year in which the election is held for
7 that ballot requested if the absent voter ballot application is
8 received by the county, city, village, or township clerk not later
9 than 2 p.m. of the Saturday before the election. A county, city, or
10 township clerk receiving an absent voter ballot application from an
11 absent uniformed services voter or overseas voter shall transmit to
12 a village clerk and the school district election coordinators,
13 where applicable, the necessary information to enable the village
14 clerk and school district election coordinators to forward an
15 absent voter ballot for each applicable election in that calendar
16 year to the absent voter. A village clerk receiving an absent voter
17 ballot application from an absent uniformed services voter or
18 overseas voter shall transmit to the township clerk and the school
19 district election coordinators, where applicable, the necessary
20 information to enable the city or township clerk and school
21 district election coordinators to forward an absent voter ballot
22 for each applicable election in that calendar year to the absent
23 voter. If the local elections official rejects a voter registration
24 application or absent voter ballot application submitted by an
25 absent uniformed services voter or overseas voter, the election
26 official shall notify the voter of the rejection.

27 (11) An ~~electronic mail~~**email** address provided by an absent
28 uniformed services voter or overseas voter for the purposes of this
29 section is confidential and exempt from disclosure under the

1 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

2 (12) Under the uniformed and overseas citizens absentee voting
3 act, the state director of elections shall approve a ballot form
4 and registration procedures for absent uniformed services voters
5 and overseas voters.

6 (13) An absent uniformed services voter or an overseas voter
7 may use the federal write-in absentee ballot, in accordance with
8 the provisions of the uniformed and overseas citizens absentee
9 voting act, at a regular election or special election to vote for a
10 local, state, or federal office or on a ballot question. ~~An~~**Except**
11 **as otherwise provided in this subsection, an** absent uniformed
12 services voter or an overseas voter who uses the federal write-in
13 absentee ballot shall return his or her voted federal write-in
14 absentee ballot by mail to the appropriate clerk. **An eligible**
15 **member may electronically return a voted ballot to the appropriate**
16 **city or township clerk to be counted under the policies and**
17 **procedures established by the secretary of state as set forth in**
18 **subsection (17).** The state bureau of elections shall do both of the
19 following:

20 (a) Make the ballot format for each election available to
21 absent uniformed services voters and overseas voters by ~~electronic~~
22 ~~mail~~**email** or on an internet website maintained by the department
23 of state.

24 (b) Make the ballot information, including the offices, names
25 of candidates, and ballot proposals, for each election available to
26 absent uniformed services voters and overseas voters on an internet
27 website maintained by the department of state.

28 (14) The clerk of a city, village, or township shall submit to
29 the county clerk of the county in which that city, village, or

1 township is located a written statement no later than 45 days
2 before each election indicating whether absent voter ballots were
3 issued to absent uniformed services voters or overseas voters in
4 compliance with this section and the uniformed and overseas
5 citizens absentee voting act. The city, village, or township clerk
6 shall provide to the county clerk a written explanation describing
7 remedial actions taken by the city, village, or township clerk if
8 the city, village, or township clerk fails to comply with this
9 section and the uniformed and overseas citizens absentee voting
10 act. Not later than 42 days before each election, each county clerk
11 shall submit to the state bureau of elections a written report
12 compiled from the written statements submitted by the city,
13 village, and township clerks. The written report ~~shall~~**must**
14 identify the cities, villages, and townships that complied with the
15 45-day deadline under this subsection, the cities, villages, and
16 townships that did not comply with the 45-day deadline under this
17 subsection, but provided a written explanation, and those cities,
18 villages, and townships that did not comply with the 45-day
19 deadline under this subsection and that did not provide a written
20 explanation. The state bureau of elections may require the clerk of
21 a city, village, or township that did not comply with the 45-day
22 deadline under this subsection, but provided a written explanation,
23 to provide additional information. The state bureau of elections
24 shall require the clerk of a city, village, or township that did
25 not comply with the 45-day deadline and that did not provide a
26 written explanation to file a written explanation, describing the
27 remedial actions taken by the city, village, or township clerk,
28 within 1 business day after the state bureau of elections notifies
29 the clerk of that city, village, or township.

1 (15) For a presidential primary election, the secretary of
2 state shall prescribe procedures for contacting an elector who is
3 an absent uniformed services voter or an overseas voter, as
4 described in this section, and who is eligible to receive an absent
5 voter ballot or who applies for an absent voter ballot for the
6 presidential primary election, offering the elector the opportunity
7 to select a political party ballot for the presidential primary
8 election.

9 (16) The secretary of state shall order a city, village, or
10 township clerk to extend the ballot receipt deadline for any
11 absentee voter ballots under this section that were not transmitted
12 to an absent uniformed services voter or overseas voter in
13 compliance with subsection (5). The extension ~~shall~~**must** equal the
14 total number of days beyond the deadline as provided in subsection
15 (5) that the city, village, or township clerk transmitted the
16 requested absentee voter ballots. These absentee voter ballots
17 received during the extension time ~~shall~~**must** be counted and
18 tabulated for the final results of the election provided that the
19 absentee voter ballots are executed and sent by the close of the
20 polls on election day. The election may be formally certified
21 before the end of the extension time if the number of outstanding
22 absentee voter ballots under this subsection will not alter the
23 outcome of the election.

24 **(17) The secretary of state shall promulgate rules that**
25 **establish policies and procedures by which an eligible member may**
26 **electronically return his or her voted ballot to the appropriate**
27 **city or township clerk. The policies and procedures established by**
28 **the secretary of state must do all of the following:**

29 **(a) Ensure that the signature on the electronically returned**

1 ballot agrees with the signature of the eligible member on file.

2 (b) Include additional security features considered
3 appropriate by the secretary of state to ensure and verify the
4 integrity and secrecy of voted ballots returned electronically by
5 eligible members.

6 (c) Ensure that an absent voter ballot voted by an eligible
7 member is considered received on election day if the absent voter
8 ballot is received electronically by 8 p.m. on election day.

9 (d) Ensure that, in addition to all other election returns and
10 records that are required by law to be provided to the county
11 clerk, each city or township clerk provides the county clerk of the
12 county in which the city or township is located a list of all
13 absent voter ballots received electronically by 8 p.m. on election
14 day.

15 (e) Ensure that an eligible member is actually absent from the
16 United States.

17 (f) Ensure that a county, city, or township clerk is
18 responsible for sending and receiving electronic ballots.

19 (18) The secretary of state may develop and maintain a secure
20 web portal on the secretary of state's website to facilitate the
21 electronic return of voted ballots by eligible members.

22 (19) ~~(17)~~As used in this section:

23 (a) "Absent uniformed services voter" means any of the
24 following:

25 (i) A member of a uniformed service on active duty who, by
26 reason of being on active duty, is absent from the place of
27 residence where the member is otherwise qualified to vote.

28 (ii) A member of the merchant marine who, by reason of service
29 in the merchant marine, is absent from the place of residence where

1 the member is otherwise qualified to vote.

2 (iii) A spouse or dependent of a member referred to in
3 subparagraph (i) or (ii) who, by reason of the active duty or service
4 of the member, is absent from the place of residence where the
5 spouse or dependent is otherwise qualified to vote.

6 (b) "Eligible member" means a member of a uniformed service on
7 active duty, by reason of being on active duty, or his or her
8 spouse, or a member of the merchant marine, by reason of service in
9 the merchant marine, or his or her spouse, who is absent from the
10 United States and who does not expect to return to the residence
11 from where the member or spouse is otherwise qualified to vote
12 before an election.

13 (c) ~~(b)~~—"Member of the merchant marine" means an individual,
14 other than a member of a uniformed service or an individual
15 employed, enrolled, or maintained on the Great Lakes or the inland
16 waterways, who is either of the following:

17 (i) Employed as an officer or crew member of a vessel
18 documented under the laws of the United States, a vessel owned by
19 the United States, or a vessel of foreign-flag registry under
20 charter to or control of the United States.

21 (ii) Enrolled with the United States for employment or training
22 for employment, or maintained by the United States for emergency
23 relief service, as an officer or crew member of a vessel documented
24 under the laws of the United States, a vessel owned by the United
25 States, or a vessel of foreign-flag registry under charter to or
26 control of the United States.

27 (d) ~~(c)~~—"Overseas voter" means any of the following:

28 (i) An absent uniformed services voter who, by reason of active
29 duty or service, is absent from the United States on the date of an

1 election.

2 (ii) A person who resides outside of the United States and is
3 qualified to vote in the last place in which the person was
4 domiciled before leaving the United States.

5 (iii) A person who resides outside of the United States and who,
6 but for such residence outside of the United States, would be
7 qualified to vote in the last place in which he or she was
8 domiciled before leaving the United States.

9 (e) ~~(d)~~ "Uniformed services" means the ~~army, navy, air force,~~
10 ~~marine corps, coast guard,~~ **Army, Navy, Air Force, Marine Corps, or**
11 **Coast Guard**, the ~~commissioned corps~~ **Commissioned Corps** of the
12 ~~public health service,~~ **Public Health Service**, the ~~commissioned~~
13 ~~corps~~ **Commissioned Corps** of the ~~national oceanic~~ **National Oceanic**
14 ~~and atmospheric administration,~~ **Atmospheric Administration**, a
15 reserve component of a uniformed service, or the Michigan ~~national~~
16 ~~guard~~ **National Guard** as **that term is** defined in section 105 of the
17 Michigan military act, 1967 PA 150, MCL 32.505.