

SENATE BILL NO. 980

March 23, 2022, Introduced by Senator SCHMIDT and referred to the Committee on Elections.

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 by mail with the clerk of the township or city in which the

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

19 (2) Except as otherwise provided in subsection (1) and subject
20 to section 761(3), at any time during the 75 days before an
21 election, but not later than 8 p.m. on the day of an election, an
22 elector may apply for an absent voter ballot. The elector shall
23 apply in person or by mail with the clerk of the township, city, or
24 village in which the voter is registered. **In addition, an elector**
25 **may apply using the online absent voter ballot application**
26 **maintained by the secretary of state.** The clerk of a city or
27 township shall not send by first-class mail an absent voter ballot
28 to an elector after 5 p.m. on the Friday immediately before the
29 election. Except as otherwise provided in section 761(2), the clerk

1 of a city or township shall not issue an absent voter ballot to a
2 registered elector in that city or township after 4 p.m. on the day
3 before the election. An individual may submit a voter registration
4 application and an absent voter ballot application at the same time
5 if applying in person with the clerk or deputy clerk of the city or
6 township in which the individual resides. Immediately after his or
7 her voter registration application and absent voter ballot
8 application are approved by the clerk, the individual may, subject
9 to the identification requirement in section 761(6), complete an
10 absent voter ballot at the clerk's office.

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

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

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

16 (c) On a federal postcard application.

17 **(d) Using the online absent voter ballot application**
18 **maintained by the secretary of state.**

19 (4) An applicant for an absent voter ballot shall sign the
20 application. Subject to section 761(2), a clerk or assistant clerk
21 shall not deliver an absent voter ballot to an applicant who does
22 not sign the application. ~~A person~~ **An individual** shall not be in
23 possession of a signed absent voter ballot application except for
24 the applicant; a member of the applicant's immediate family; a
25 ~~person~~ **an individual** residing in the applicant's household; a
26 ~~person~~ **an individual** whose job normally includes the handling of
27 mail, but only during the course of his or her employment; a
28 registered elector requested by the applicant to return the
29 application; or a clerk, assistant of the clerk, or other

1 authorized election official. A registered elector who is requested
2 by the applicant to return his or her absent voter ballot
3 application shall sign the certificate on the absent voter ballot
4 application.

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

10 "Application for absent voter ballot for:

11 [] The primary or special primary election to be held on
12 _____ (Date).

13 [] The election to be held on _____ (Date).

14 (Check applicable election or elections)

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

22 Send absent voter ballot to me at:

23

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

25

26 (Post Office) (State) (Zip Code)

27 My registered address

28 (Street No. or R.R. or Participant

29 Identification Number)

1
2 (Post Office) (State) (Zip Code)

3 Date.....

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

7
8 (Signature)

9 WARNING

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

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

24 Certificate of Authorized Registered
25 Elector Returning Absent Voter
26 Ballot Application

27 I certify that my name is , my address is
28 , and my date of birth is ; that
29 I am delivering the absent voter ballot application of

1 at his or her request; that I did not solicit
2 or request to return the application; that I have not made any
3 markings on the application; that I have not altered the
4 application in any way; that I have not influenced the applicant;
5 and that I am aware that a false statement in this certificate is a
6 violation of Michigan election law.

7 _____
8 (Date) (Signature)"

9 (6) The following instructions for an applicant for an absent
10 voter ballot must be included with each application furnished an
11 applicant:

12 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

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

25 (c) In either (a) or (b), a member of the immediate family of
26 the voter including a father-in-law, mother-in-law, brother-in-law,
27 sister-in-law, son-in-law, daughter-in-law, grandparent, or
28 grandchild or ~~a person~~ **an individual** residing in the ~~voter's~~
29 **elector's** household may mail or deliver the application to the

1 clerk for the applicant.

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

7 (e) **If the applicant applies using the online absent voter**
8 **ballot application maintained by the secretary of state, send the**
9 **application electronically through the qualified voter file to the**
10 **appropriate city or township clerk for processing.**

11 (7) ~~A person~~**An individual** who prints and distributes absent
12 voter ballot applications shall print on the application the
13 warning, certificate of authorized registered elector returning
14 absent voter ballot application, and instructions required by this
15 section.

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

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

29 (10) **The secretary of state shall maintain an online absent**

1 voter ballot application that allows a qualified and registered
2 elector to request an absent voter ballot for an election occurring
3 in that elector's jurisdiction. The online absent voter ballot
4 application must be in substantially the same form as the absent
5 voter ballot application provided under subsection (5).

6 (11) The online absent voter ballot application maintained by
7 the secretary of state under subsection (10) must provide an
8 opportunity for an elector to use the elector's stored digital
9 signature on file with the secretary of state on the online absent
10 voter ballot application. In order to allow an elector to use the
11 elector's stored digital signature, the online absent voter ballot
12 application must verify the elector's identity and registration
13 status by requesting the elector's name, complete driver license or
14 state personal identification card number, full date of birth, last
15 4 digits of the elector's Social Security number, and eye color. A
16 registered elector whose stored digital signature is on file with
17 the secretary of state must sign the online absent voter ballot
18 application with that stored digital signature. A registered
19 elector without a stored digital signature on file with the
20 secretary of state may provide a manual digital signature by
21 uploading a photograph of his or her physical handwritten signature
22 to the online absent voter ballot application. A completed online
23 absent voter ballot application, including digital signature, must
24 be sent electronically through the qualified voter file to the
25 appropriate city or township clerk for processing. An online absent
26 voter ballot application signed using a stored digital signature or
27 manual digital signature must be processed and treated identically
28 as an absent voter ballot application signed with a physical
29 handwritten signature. As used in this subsection:

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

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