

**SUBSTITUTE FOR
HOUSE BILL NO. 4570**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2023 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 759. (1) A registered elector may apply for an absent
2 voter ballot in any of the following ways:
3 (a) By a written request signed by the elector.
4 (b) On an absent voter ballot application form as provided for
5 in this section.
6 (c) On a federal postcard application.
7 (d) Using an online absent voter ballot application as
8 provided by the secretary of state.
9 (2) A registered elector may submit an absent voter ballot

1 application in any of the following ways:

2 (a) By mail or email to the clerk of the city or township in
3 which the elector resides.

4 (b) By using the online absent voter ballot application as
5 provided by the secretary of state.

6 (c) Until 4 p.m. on the day before election day, in person to
7 the clerk of the city or township in which the elector resides.

8 (d) On election day, in person until 8 p.m. to the clerk of
9 the city or township in which the elector resides, but only if the
10 elector is registering to vote or updating the elector's voter
11 registration address. An elector who submits an absent voter ballot
12 application under this subdivision must complete the elector's
13 absent voter ballot in the city or township clerk's office.

14 (3) An elector must sign the absent voter ballot application.
15 The digital image of an elector's signature from a Michigan driver
16 license or official Michigan personal identification card record,
17 or an electronic image of an elector's physical signature, is an
18 acceptable signature for the absent voter ballot application. An
19 absent voter ballot application that is submitted and missing a
20 signature is subject to the requirements of sections 761 and 766a.

21 (4) An absent voter ballot application submitted before a
22 primary election may be for either that primary election only, or
23 for that primary election and for each election that follows the
24 primary election in that year. An absent voter ballot application
25 submitted before a presidential primary election may be for that
26 presidential primary election only, or for that presidential
27 primary election and for each election that follows the
28 presidential primary election in that year.

29 (5) A registered elector has the right to have an absent voter

1 ballot sent to that elector before each election by submitting a
2 single, signed absent voter ballot application that covers all
3 future elections.

4 (6) An individual may submit a voter registration application
5 and an absent voter ballot application at the same time.
6 Immediately after the voter registration application for that
7 individual is approved, the clerk must verify the absent voter
8 ballot application and issue an absent voter ballot to that
9 individual as provided under section 761. An individual who submits
10 a voter registration application and an absent voter ballot
11 application at the same time and in person on the day of an
12 election must vote the absent voter ballot at the city or township
13 clerk's office.

14 (7) The clerk of a city or township shall have absent voter
15 ballot application forms available in the clerk's office at all
16 times. The clerk of a city or township shall provide an absent
17 voter ballot application form to an individual on a verbal or
18 written request and provide the application to the individual in
19 person, electronically, or by United States mail, postage prepaid
20 with a postage prepaid return envelope, as requested by the
21 individual. In addition, the secretary of state, or any county,
22 city, or township clerk, may provide an absent voter ballot
23 application to a registered elector in person, electronically, or
24 by United States mail, with prepaid return postage, without a
25 request from that registered elector. The absent voter ballot
26 application must be in substantially the following form:

27 "Application for absent voter ballot for:
28 [] The primary election to be held on _____
29 (Date).

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

2 [] All future elections. Automatically send me an absent
3 voter ballot for each election.

4 (Check applicable election or elections)

5 I, , am a United States
6 citizen and a registered elector of the township of or
7 of the city of , in the county
8 of and state of Michigan, and I
9 apply for an absent voter ballot to be voted by me at the election
10 or elections as requested in this application.

11 Send my absent voter ballot to me at the following address:

12

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

14

15 (Post Office) (State) (Zip Code)

16 My registration address is

17 (Street No. or R.R. or Participant
18 Identification Number)

19

20 (Post Office) (State) (Zip Code)

21 Telephone number:

22 Email address:

23 Date.....

24 I certify that I am a United States citizen and that
25 the statements in this absent voter ballot application
26 are true.

27

28 (Signature)

29 WARNING

1 You must be a United States citizen to vote. If you are not a
2 United States citizen, you will not be issued an absent voter
3 ballot.

4 An individual making a false statement in this absent voter
5 ballot application is guilty of a misdemeanor. It is a violation of
6 Michigan election law for an individual other than those listed in
7 the instructions to return, offer to return, agree to return, or
8 solicit to return your absent voter ballot application to the
9 clerk. An assistant authorized by the clerk who receives absent
10 voter ballot applications at a location other than the clerk's
11 office must have credentials signed by the clerk. Ask to see the
12 individual's credentials before entrusting your application with an
13 individual claiming to have the clerk's authorization to return
14 your application.

15 Certificate of Authorized Registered
16 Elector Returning Absent Voter
17 Ballot Application

18 I certify that my name is and my address
19 is ; that I am delivering the absent voter
20 ballot application of at the applicant's
21 request; that I did not solicit or request to return the
22 application; that I have not made any markings on the application;
23 that I have not altered the application in any way; that I have not
24 influenced the applicant; and that I am aware that a false
25 statement in this certificate is a violation of Michigan election
26 law.

27 _____ _____

28 (Date) (Signature)"

29

1 (8) The following instructions for an applicant for an absent
2 voter ballot must be included with each application furnished an
3 applicant:

4 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

5 Step 1. After completely filling out the application, sign and
6 date the application in the place designated. Your signature must
7 appear on the application or you may not receive an absent voter
8 ballot.

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

10 (a) Place the application in the postage prepaid return
11 envelope provided by the clerk and addressed to the clerk, or place
12 the application in another envelope that is addressed to the
13 appropriate clerk and place the necessary postage on that return
14 envelope, and deposit the return envelope in the United States mail
15 or with another postal service, express mail service, parcel post
16 service, or common carrier.

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

19 (c) In either (a) or (b), a member of the immediate family of
20 the voter including a father-in-law, mother-in-law, brother-in-law,
21 sister-in-law, son-in-law, daughter-in-law, grandparent, or
22 grandchild or an individual residing in the elector's household may
23 mail or deliver the application to the clerk for the applicant.

24 (d) If an applicant cannot return the application in any of
25 the above methods, the applicant may select any registered elector
26 to return the application. The individual returning the application
27 must sign and return the certificate at the bottom of the
28 application.

29 **(e) If the applicant applies using the online absent voter**

1 **ballot application as provided by the secretary of state, send the**
2 **application electronically through the qualified voter file to the**
3 **appropriate city or township clerk for processing.**

4 (9) For a presidential primary election, the secretary of
5 state shall revise the absent voter ballot application form
6 described in subsection (7) to require that a presidential primary
7 elector indicate a political party ballot selection when requesting
8 an absent voter ballot and provide a separate form for a
9 presidential primary elector who has previously applied for an
10 absent voter ballot to indicate or change a political party ballot
11 selection.

12 (10) An elector may request delivery of the elector's absent
13 voter ballot to an address that is not the elector's registration
14 address. In addition, an elector may request delivery of the
15 elector's absent voter ballot to a post office box if the post
16 office box is where the absent voter normally receives personal
17 mail, and the elector does not receive mail at the elector's
18 registration address.

19 (11) An individual shall not be in possession of a signed
20 absent voter ballot application except for the applicant, a member
21 of the applicant's immediate family, an individual residing in the
22 applicant's household, an individual whose job normally includes
23 the handling of mail, but only during the course of the
24 individual's employment, a registered elector requested by the
25 applicant to return the application, or a clerk, assistant of the
26 clerk, or other authorized election official. A registered elector
27 who is requested by the applicant to return the applicant's absent
28 voter ballot application shall sign the certificate on the absent
29 voter ballot application.

1 (12) An individual who prints and distributes absent voter
2 ballot applications shall print on the application the warning,
3 certificate of authorized registered elector returning absent voter
4 ballot application, and instructions required by this section.

5 (13) An individual who makes a false statement in an absent
6 voter ballot application is guilty of a misdemeanor. An individual
7 who forges a signature on an absent voter ballot application is
8 guilty of a felony. An individual who is not authorized in this act
9 and who both distributes absent voter ballot applications to absent
10 voters and returns those absent voter ballot applications to a
11 clerk or assistant of the clerk is guilty of a misdemeanor.

12 (14) The absent voter ballot application of an elector who is
13 a program participant, as that term is defined in section 3 of the
14 address confidentiality program act, 2020 PA 301, MCL 780.853, is
15 confidential and not subject to disclosure under the freedom of
16 information act, 1976 PA 442, MCL 15.231 to 15.246.

17 **(15) The secretary of state shall provide and maintain an**
18 **online absent voter ballot application that allows a qualified and**
19 **registered elector to request an absent voter ballot for an**
20 **election occurring in that elector's city or township. The online**
21 **absent voter ballot application must be in substantially the same**
22 **form as the absent voter ballot application provided under**
23 **subsection (7).**

24 **(16) The online absent voter ballot application provided and**
25 **maintained by the secretary of state under subsection (15) must**
26 **provide an opportunity for an elector to use the elector's stored**
27 **digital signature on file with the secretary of state on the online**
28 **absent voter ballot application. In order to allow an elector to**
29 **use the elector's stored digital signature, the online absent voter**

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

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

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