

SENATE BILL No. 250

February 21, 2001, Introduced by Senators JAYE and PETERS and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 509t, 726, 727, 759a, and 769 (MCL 168.509t, 168.726, 168.727, 168.759a, and 168.769), section 509t as amended by 1998 PA 21, sections 727 and 769 as amended by 1995 PA 261, and section 759a as amended by 1999 PA 216, and by adding sections 750a, 750b, 750c, and 750d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509t. (1) Notwithstanding any other provision of law
2 to the contrary, a person who is a qualified elector in this
3 state and who registers to vote in a manner consistent with the
4 national voter registration act of 1993, is considered a regis-
5 tered voter under this act.

6 (2) A person who registers to vote in a jurisdiction in this
7 state by mail shall vote in person if that person has not

1 previously voted in person in that jurisdiction. This subsection
2 does not apply to any of the following registered voters:

3 (a) A person entitled to vote by absentee ballot under the
4 uniformed and overseas citizens absentee voting act, Public Law
5 99-410, 100 Stat. 924.

6 (b) A person ~~who has~~ WITH a disability as defined in sec-
7 tion 103 of the persons with disabilities civil rights act, 1976
8 PA 220, MCL 37.1103, or who is 60 years of age or older.

9 (c) A person who is entitled to vote other than in person
10 under ~~any other~~ ANOTHER federal law.

11 (D) A PERSON WHO IS ENTITLED TO VOTE BY THE INTERNET UNDER
12 SECTIONS 750A TO 750D.

13 (3) This section does not preclude this state from prosecut-
14 ing a violation of this act that is also a violation of ~~any~~ A
15 federal election or voting rights law.

16 Sec. 726. ~~No ballots~~ A BALLOT shall be delivered to an
17 elector ~~by any person other than~~ ONLY BY 1 of the inspectors of
18 election and only within the polling place, except as provided in
19 this act for AN absent ~~voters' ballots~~ VOTER BALLOT AND INTER-
20 NET VOTER BALLOT.

21 Sec. 727. (1) An election inspector shall challenge a
22 person applying for ballots if the inspector knows or has good
23 reason to suspect the applicant is not a qualified and registered
24 elector of the precinct, or if a challenge appears in connection
25 with the applicant's name in the registration book. A registered
26 elector of the precinct present in the polling place may
27 challenge the right of anyone attempting to vote if the elector

1 knows or has good reason to suspect that person is not a
2 registered elector in that precinct. An election inspector or
3 other qualified challenger may challenge the right of a person
4 attempting to vote who has previously applied for an absent voter
5 ballot OR THE MEANS TO VOTE BY THE INTERNET and who on election
6 day is claiming to have never received the absent voter ballot OR
7 THE MEANS TO VOTE BY THE INTERNET or to have lost or destroyed
8 the absent voter ballot OR THE MEANS TO VOTE BY THE INTERNET.

9 (2) ~~Upon~~ WHEN a challenge ~~being~~ IS made under subsection
10 (1), an election inspector shall immediately do all of the
11 following:

12 (a) Identify ~~pursuant to~~ UNDER section ~~746 any~~ 745 A
13 ballot voted by the challenged individual, if any.

14 (b) Make a written report including all of the following
15 information:

16 (i) All election disparities or infractions complained of or
17 believed to have occurred.

18 (ii) The name of the person making the challenge.

19 (iii) The time of the challenge.

20 (iv) The name, telephone number, and address of the chal-
21 lenged individual.

22 (v) Any other information considered appropriate by the
23 election inspector.

24 (c) Retain the written report created under subdivision (b)
25 and make it a part of the election record.

26 (3) A challenger shall not make a challenge indiscriminately
27 and without good cause. A challenger shall not handle the poll

1 books while observing election procedures or the ballots during
2 the counting of the ballots. A challenger shall not interfere
3 with or unduly delay the work of the election inspectors. A
4 person who challenges a qualified and registered elector of a
5 voting precinct for the purpose of annoying or delaying voters is
6 guilty of a misdemeanor.

7 SEC. 750A. AS USED IN THIS ACT:

8 (A) "INDIVIDUALIZED IDENTIFICATION INFORMATION" MEANS A PER-
9 SONAL IDENTIFICATION NUMBER (PIN), DIGITIZED SIGNATURE, OR OTHER
10 UNIQUE IDENTIFYING INFORMATION ASSIGNED TO AN INDIVIDUAL VOTER TO
11 PROVIDE FOR A SECURE MEANS TO IDENTIFY A VOTER WHEN VOTING BY THE
12 INTERNET.

13 (B) "INTERNET VOTER" MEANS A QUALIFIED AND REGISTERED ELEC-
14 TOR WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

15 (i) HAS A SIGNED REGISTRATION CARD OR COMPLETED AFFIDAVIT
16 UNDER SECTION 500G ON FILE WITH THE LOCAL CLERK.

17 (ii) HAS FILED AN APPLICATION WITH A SIGNED SWORN STATEMENT
18 UNDER SECTION 750C TO VOTE BY THE INTERNET.

19 (iii) RESIDES IN THIS STATE, UNLESS HE OR SHE IS A PERSON
20 DESCRIBED IN SECTION 1 OF ARTICLE II OF THE STATE CONSTITUTION OF
21 1963 AND STATUTES ENACTED UNDER THAT SECTION OR A PERSON
22 DESCRIBED IN SECTION 759A.

23 (C) "INTERNET VOTER BALLOT" OR "MEANS TO VOTE BY THE
24 INTERNET" MEANS THE INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICA-
25 TION INFORMATION PROVIDED BY A COUNTY, CITY, TOWNSHIP, OR VILLAGE
26 CLERK TO AN ELECTOR TO ALLOW THE ELECTOR TO BE AN INTERNET
27 VOTER.

1 (D) "INTERNET VOTING" OR "VOTING BY THE INTERNET" MEANS THE
2 ACT OF VOTING IN AN ELECTION BY A QUALIFIED ELECTOR BY ELECTRONIC
3 MAIL OR OTHER FACILITIES OF THE INTERNET.

4 SEC. 750B. (1) BEGINNING JANUARY 1, 2002 AND THROUGH
5 DECEMBER 31, 2005, THE SECRETARY OF STATE SHALL ESTABLISH A PILOT
6 PROJECT TO TEST INTERNET VOTING IN AT LEAST 6 BUT NOT MORE THAN 8
7 PILOT JURISDICTIONS. THE SECRETARY OF STATE SHALL NAME AN EVEN
8 NUMBER OF PILOT JURISDICTIONS THAT VARY IN SIZE OF POPULATION.
9 ONE-HALF OF THE PILOT JURISDICTIONS SHALL BE JURISDICTIONS IN
10 WHICH A MAJORITY OF THE VOTERS WHO CAST BALLOTS FOR PRESIDENT IN
11 THE 2000 GENERAL ELECTION VOTED FOR THE REPUBLICAN PARTY CANDI-
12 DATE AND THE OTHER 1/2 SHALL BE JURISDICTIONS IN WHICH THE MAJOR-
13 ITY OF SUCH VOTERS VOTED FOR THE DEMOCRATIC PARTY CANDIDATE. THE
14 SECRETARY OF STATE SHALL IMPLEMENT INTERNET VOTING IN A PILOT
15 JURISDICTION IN AN ELECTION AT WHICH A SINGLE QUESTION IS ON THE
16 BALLOT. THE SECRETARY OF STATE SHALL PRESCRIBE THE PROCEDURES
17 FOR A SECURE MEANS FOR INTERNET VOTING. THE SECRETARY OF STATE
18 SHALL SUBMIT A REPORT TO THE HOUSE AND SENATE COMMITTEES THAT
19 CONSIDER ELECTION ISSUES ON OR BEFORE JANUARY 15, 2006. THE SEC-
20 RETARY OF STATE SHALL INCLUDE ALL OF THE FOLLOWING IN THE
21 REPORT:

22 (A) THE COST OF HOLDING THE ELECTION BY INTERNET VOTING.

23 (B) THE LEVEL OF VOTER PARTICIPATION IN THAT LOCAL ELECTION
24 BY INTERNET VOTING.

25 (C) OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS
26 RELEVANT.

1 (2) ON AND AFTER JANUARY 1, 2006, THE GOVERNING BODY OF A
2 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT SHALL MAKE AVAILABLE
3 TO VOTERS THE MEANS TO VOTE BY THE INTERNET IN A LOCAL ELECTION
4 TO BE HELD IN THAT CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT.

5 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH A LOCAL UNIT
6 OF GOVERNMENT THAT CONDUCTS A LOCAL ELECTION BY INTERNET VOTING
7 UNDER THIS SECTION. WHENEVER POSSIBLE, THE SECRETARY OF STATE
8 SHALL ASSIST A LOCAL UNIT OF GOVERNMENT IN MAKING AVAILABLE TO
9 VOTERS THE MEANS TO VOTE BY THE INTERNET.

10 (4) ON AND AFTER JANUARY 1, 2006, THE SECRETARY OF STATE
11 SHALL MAKE AVAILABLE TO VOTERS THE MEANS TO VOTE BY THE INTERNET
12 IN EACH OF THE FOLLOWING ELECTIONS:

13 (A) THE AUGUST PRIMARY HELD UNDER SECTION 534.

14 (B) THE GENERAL NOVEMBER ELECTION.

15 (C) AN ELECTION IN WHICH A CANDIDATE FOR STATE OR FEDERAL
16 OFFICE OR FOR THE OFFICE OF SUPREME COURT JUSTICE OR JUDGE OF THE
17 COURT OF APPEALS IS NOMINATED OR ELECTED.

18 (D) A STATEWIDE SPECIAL ELECTION.

19 (5) THE SECRETARY OF STATE SHALL PROMULGATE RULES UNDER THIS
20 ACT TO PROVIDE PROCEDURES FOR CONDUCTING AN ELECTION BY INTERNET
21 VOTING.

22 (6) AS USED IN THIS SECTION, "LOCAL ELECTION" INCLUDES AN
23 ELECTION CONDUCTED BY A LOCAL UNIT OF GOVERNMENT OTHER THAN AN
24 ELECTION DESCRIBED IN SUBSECTION (4).

25 SEC. 750C. (1) AT ANY TIME DURING THE 75 DAYS BEFORE A PRI-
26 MARY ELECTION, A SPECIAL PRIMARY ELECTION, A GENERAL ELECTION, OR
27 A SPECIAL ELECTION, BUT NOT LATER THAN 1 WEEK BEFORE THE PRIMARY

1 ELECTION, SPECIAL PRIMARY ELECTION, GENERAL ELECTION, OR SPECIAL
2 ELECTION, AN ELECTOR WHO QUALIFIES TO VOTE AS AN INTERNET VOTER
3 MAY APPLY FOR AN INTERNET VOTER BALLOT. THE ELECTOR SHALL APPLY
4 IN PERSON OR BY MAIL TO THE TOWNSHIP, CITY, OR VILLAGE CLERK OR
5 SCHOOL DISTRICT WHERE THE ELECTOR IS REGISTERED. AN APPLICATION
6 RECEIVED BEFORE A PRIMARY ELECTION OR SPECIAL PRIMARY ELECTION
7 MAY BE FOR EITHER THAT PRIMARY ELECTION ONLY, OR FOR THAT PRIMARY
8 ELECTION AND THE ELECTION THAT FOLLOWS.

9 (2) AN APPLICATION FOR AN INTERNET VOTER BALLOT UNDER THIS
10 SECTION SHALL BE MADE ON AN INTERNET VOTER BALLOT APPLICATION
11 FORM PROVIDED BY THE SECRETARY OF STATE; THE COUNTY, CITY, TOWN-
12 SHIP, OR VILLAGE CLERK; OR THE SECRETARY OF A SCHOOL DISTRICT.

13 (3) AN APPLICANT FOR AN INTERNET VOTER BALLOT SHALL SIGN THE
14 INTERNET VOTER BALLOT APPLICATION. A CLERK OR ASSISTANT CLERK
15 SHALL NOT PROVIDE THE INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICA-
16 TION INFORMATION NECESSARY TO VOTE BY INTERNET TO AN APPLICANT
17 WHO DOES NOT SIGN THE APPLICATION. OTHER THAN THE APPLICANT; A
18 MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY; A PERSON RESIDING IN
19 THE APPLICANT'S HOUSEHOLD; A PERSON WHOSE JOB NORMALLY INCLUDES
20 THE HANDLING OF MAIL, BUT ONLY DURING THE COURSE OF HIS OR HER
21 EMPLOYMENT; A REGISTERED ELECTOR REQUESTED BY THE APPLICANT TO
22 RETURN THE APPLICATION; OR A CLERK, ASSISTANT OF THE CLERK, OR
23 OTHER AUTHORIZED ELECTION OFFICIAL, A PERSON SHALL NOT BE IN POS-
24 SESSION OF A SIGNED INTERNET VOTER BALLOT APPLICATION. A REGIS-
25 TERED ELECTOR WHO IS REQUESTED BY THE INTERNET VOTER APPLICANT TO
26 RETURN THE INTERNET VOTER'S INTERNET VOTER BALLOT APPLICATION

1 SHALL SIGN THE CERTIFICATE ON THE INTERNET VOTER BALLOT
2 APPLICATION.

3 (4) THE SECRETARY OF STATE, A COUNTY, CITY, TOWNSHIP, OR
4 VILLAGE CLERK, AND THE SECRETARY OF A SCHOOL DISTRICT SHALL HAVE
5 INTERNET VOTER BALLOT APPLICATION FORMS AVAILABLE IN THE SECRE-
6 TARY OF STATE BRANCH OFFICES, CLERK'S OFFICES, AND SECRETARY'S
7 OFFICE AT ALL TIMES AND SHALL FURNISH AN INTERNET VOTER BALLOT
8 APPLICATION FORM TO ANYONE UPON A VERBAL OR WRITTEN REQUEST. THE
9 SECRETARY OF STATE SHALL ALSO MAKE THE INTERNET VOTER BALLOT
10 APPLICATION AVAILABLE ON THE INTERNET. THE INTERNET VOTER BALLOT
11 APPLICATION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

12 "APPLICATION FOR INTERNET VOTER BALLOT FOR:

13

14 [] THE PRIMARY ELECTION OR SPECIAL PRIMARY ELECTION TO BE
15 HELD ON _____ , 20____ .

16 [] THE ELECTION TO BE HELD ON _____ , 20____ .

17 (CHECK APPLICABLE ELECTION OR ELECTIONS)

18 I, _____ , A QUALIFIED AND REGISTERED ELECTOR OF
19 THE _____ PRECINCT OF _____ TOWNSHIP, _____ VILLAGE, OR
20 THE _____ WARD OF THE CITY OF _____ , OR THE _____
21 SCHOOL DISTRICT, IN _____ COUNTY, AND STATE OF MICHIGAN,
22 APPLY TO VOTE BY INTERNET AT THE ELECTION OR ELECTIONS SPECIFIED
23 IN THIS APPLICATION.

24 MY SIGNATURE ON THIS COMPLETED APPLICATION IS THE SAME AS MY
25 SIGNATURE ON MY VOTER REGISTRATION CARD ON FILE WITH THE LOCAL
26 CLERK, OR THE AFFIDAVIT WITH THE COMPLETED APPLICATION FOR VOTER
27 REGISTRATION PROVIDED BY THE SECRETARY OF STATE.

1 I UNDERSTAND THAT IF I AM DETERMINED ELIGIBLE TO VOTE BY
 2 INTERNET, INDIVIDUALIZED IDENTIFICATION INFORMATION WILL BE PRO-
 3 VIDED TO ME TO ENABLE ME TO VOTE BY A SECURE MEANS. I WILL NOT
 4 SHARE THIS INFORMATION WITH ANOTHER PERSON OR KNOWINGLY ALLOW THE
 5 INFORMATION TO BE OBTAINED BY ANOTHER PERSON.

6 I WILL PERSONALLY VOTE MY BALLOT AND WILL NOT EXHIBIT MY
 7 BALLOT TO ANY OTHER PERSON. I WILL COMPLY WITH OTHER INSTRUC-
 8 TIONS TO PROVIDE FOR THE SECURE VOTING OF MY BALLOT.

9 I UNDERSTAND THAT IT IS A VIOLATION OF MICHIGAN ELECTION LAW
 10 TO MAKE A FALSE STATEMENT IN THIS INTERNET VOTER BALLOT APPLICA-
 11 TION OR FOR A PERSON OTHER THAN THOSE LISTED IN THE INSTRUCTIONS
 12 TO RETURN OR OFFER, AGREE, OR SOLICIT TO RETURN MY INTERNET VOTER
 13 BALLOT APPLICATION TO THE CLERK.

14 SEND INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICATION INFORMATION
 15 TO ALLOW ME TO VOTE BY THE INTERNET TO ME AT:

16 _____
 17 (STREET NO. OR R.R.)

18 _____
 19 (POST OFFICE) (STATE) (ZIP CODE)

20 MY REGISTERED ADDRESS _____
 21 (STREET NO. OR R.R.)

22 _____
 23 (POST OFFICE) (STATE) (ZIP CODE)

24 DATE _____

25 I SWEAR THAT THE STATEMENTS IN THIS INTERNET VOTER BALLOT
 26 APPLICATION ARE TRUE.

27 _____
 28 (SIGNATURE)

29 _____"
 30 (DATE)

1 (5) INSTRUCTIONS FOR AN APPLICANT FOR AN INTERNET VOTER
2 BALLOT SHALL BE INCLUDED WITH EACH APPLICATION FURNISHED AN
3 APPLICANT AND SHALL SUBSTANTIALLY CORRESPOND TO THE INSTRUCTIONS
4 PROVIDED TO APPLICANTS FOR ABSENT VOTER BALLOTS UNDER SECTION
5 759(6) AND (7).

6 (6) A PERSON WHO MAKES A FALSE STATEMENT IN AN INTERNET
7 VOTER BALLOT APPLICATION IS GUILTY OF A MISDEMEANOR. A PERSON
8 WHO FORGES A SIGNATURE ON AN INTERNET VOTER BALLOT APPLICATION IS
9 GUILTY OF A FELONY. A PERSON WHO IS NOT AUTHORIZED UNDER THIS
10 ACT AND WHO BOTH DISTRIBUTES INTERNET VOTER BALLOT APPLICATIONS
11 TO POTENTIAL INTERNET VOTERS AND RETURNS THOSE APPLICATIONS TO A
12 CLERK OR ASSISTANT OF THE CLERK IS GUILTY OF A MISDEMEANOR.

13 SEC. 750D. (1) IF THE CITY, TOWNSHIP, OR VILLAGE CLERK, OR
14 THE SECRETARY OF A SCHOOL DISTRICT, RECEIVES AN APPLICATION TO
15 VOTE BY THE INTERNET FROM A PERSON REGISTERED TO VOTE IN THAT
16 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT AND IF THE SIGNATURE
17 ON THE APPLICATION AGREES WITH THE SIGNATURE ON THE REGISTRATION
18 CARD, THE CLERK IMMEDIATELY UPON RECEIPT OF THE APPLICATION SHALL
19 FORWARD BY MAIL OR BY INTERNET INSTRUCTIONS ON HOW TO VOTE BY THE
20 INTERNET AND INDIVIDUALIZED IDENTIFICATION INFORMATION TO PROVIDE
21 FOR A SECURE MEANS TO VOTE BY THE INTERNET. THIS INFORMATION MAY
22 BE DELIVERED TO AN APPLICANT IN PERSON AT THE OFFICE OF THE
23 CLERK.

24 (2) INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICATION INFORMA-
25 TION SHALL BE ISSUED TO THE INTERNET VOTER BALLOT APPLICANT IN
26 THE SAME ORDER THAT APPLICATIONS ARE RECEIVED BY THE CITY,
27 TOWNSHIP, OR VILLAGE CLERK OR THE SECRETARY OF THE SCHOOL

1 DISTRICT. THE CLERK OR SCHOOL DISTRICT SHALL ENCLOSE WITH THE
 2 INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICATION INFORMATION A
 3 PRINTED STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

4 "TO BE COMPLETED
 5 BY THE CLERK

6 _____
 7 NAME OF VOTER STREET ADDRESS OR R.R.

8 _____
 9 CITY, TOWNSHIP, OR VILLAGE COUNTY

10 WARD _____ PRECINCT _____ DATE OF ELECTION _____

11 _____
 12 SCHOOL DISTRICT

13 =====
 14 TO BE COMPLETED BY THE INTERNET VOTER

15
 16 I AM A QUALIFIED AND REGISTERED ELECTOR OF THE CITY, TOWN-
 17 SHIP, VILLAGE, OR SCHOOL DISTRICT NAMED ABOVE. I AM VOTING BY
 18 THE INTERNET IN CONFORMITY WITH STATE ELECTION LAW. I PERSONALLY
 19 MARKED THE BALLOT WITHOUT EXHIBITING IT TO ANY OTHER PERSON.

20 THIS STATEMENT AND MY MARKED BALLOT ARE BEING RETURNED TO
 21 THE CLERK OR AN ASSISTANT OF THE CLERK BY ME PERSONALLY BY THE
 22 INTERNET.

23 DATE: _____ X _____
 24 INDIVIDUALIZED IDENTIFICATION
 25 PROVIDED TO YOU BY THE CLERK.

26 THE ABOVE FORM MUST CONTAIN YOUR INDIVIDUALIZED IDENTIFICATION
 27 INFORMATION OR YOUR VOTE WILL NOT BE COUNTED.

28 AN INTERNET VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
 29 OF A MISDEMEANOR."

30 =====

1 (3) AN INTERNET VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT
2 ON THE PRINTED STATEMENT ACCOMPANYING THE INTERNET VOTER BALLOT
3 IS GUILTY OF A MISDEMEANOR.

4 (4) TO PRESERVE THE SECRECY OF THE BALLOT, THE CLERK SHALL
5 PROVIDE A MECHANISM SO THAT WHEN AN INTERNET VOTER SENDS THE
6 PRINTED STATEMENT CONTAINING THE INDIVIDUALIZED IDENTIFICATION
7 INFORMATION AND THE MARKED BALLOT, THE INDIVIDUALIZED IDENTIFICA-
8 TION INFORMATION IS SEPARATED FROM THE BALLOT BEFORE THE BALLOT
9 IS OPENED. THE SECRETARY OF STATE SHALL DEVELOP THE TECHNOLOGY
10 TO PERMIT AN UNOPENED BALLOT TO BE ASSOCIATED WITH THE INTERNET
11 VOTER'S INDIVIDUALIZED IDENTIFICATION INFORMATION, AND SHALL PRO-
12 VIDE LOCAL CLERKS WITH THIS TECHNOLOGY.

13 (5) THE CLERK SHALL VERIFY THE LEGALITY OF THE VOTE BY
14 EXAMINING THE PRINTED STATEMENT CONTAINING THE INDIVIDUALIZED
15 IDENTIFICATION INFORMATION AND COMPARING IT TO THE INTERNET VOTER
16 APPLICATION AND INDIVIDUALIZED IDENTIFICATION INFORMATION PRO-
17 VIDED TO THE INTERNET VOTER BY THE CLERK. THE CLERK SHALL
18 EXAMINE THE REGISTRATION RECORD TO SEE THAT THE INTERNET VOTER
19 HAS NOT VOTED IN PERSON, THAT HE OR SHE IS A REGISTERED VOTER,
20 AND THAT THE PRINTED STATEMENT IS PROPERLY EXECUTED.

21 (6) IF THE VOTE IS DETERMINED TO BE ILLEGAL FOR ANY REASON
22 UNDER THIS ACT, THE UNOPENED BALLOT SHALL BE SAVED AND PLACED IN
23 A SEPARATE MAILBOX OR OTHER DATA FILE AND RETAINED.

24 (7) IF THE VOTE IS DETERMINED TO BE LEGAL, THE UNOPENED
25 BALLOT SHALL BE SAVED AND PLACED IN THE DATA FILE FOR BALLOTS TO
26 BE COUNTED AND A CONFIRMATION E-MAIL SHALL BE SENT TO THE
27 INTERNET VOTER STATING THAT THE BALLOT HAS BEEN RECEIVED. THE

1 INTERNET VOTER'S INDIVIDUALIZED IDENTIFICATION INFORMATION SHALL
2 NOT BE SEPARATED FROM THE BALLOT UNTIL THE UNOPENED BALLOT IS
3 TRANSMITTED TO THE DATA FILE FOR BALLOTS TO BE COUNTED.

4 Sec. 759a. (1) Except as provided in subsection ~~—(5)—~~ (6),
5 each of the following persons who is a qualified elector of a
6 city, VILLAGE, or township in this state and who is not a regis-
7 tered voter may apply for an absent voter ballot ~~—pursuant to—~~
8 UNDER section 504 OR FOR THE MEANS TO VOTE BY THE INTERNET UNDER
9 SECTION 750C:

10 (a) A civilian employee of the armed services outside of the
11 United States.

12 (b) A member of the armed services outside of the United
13 States.

14 (c) A citizen of the United States temporarily residing out-
15 side the territorial limits of the United States.

16 (d) A citizen of the United States residing in the District
17 of Columbia.

18 (e) A spouse or dependent of a person described in
19 subdivisions (a) through (d) who is a citizen of the United
20 States and who is accompanying that person, ~~—notwithstanding~~
21 ~~that~~ EVEN THOUGH the spouse or dependent is not a qualified
22 elector of a city, VILLAGE, or township of this state, ~~—as long~~
23 ~~as~~ IF that spouse or dependent is not a qualified and registered
24 elector anywhere else in the United States.

25 (2) A citizen described in subsection (1), other than a
26 person described in subsection (1)(b), or a spouse or dependent
27 of such a person described in subsection (1)(b) shall include,

1 with an application for an absent voter ballot or registration OR
2 AN APPLICATION FOR INTERNET VOTER BALLOT, an affidavit in a form
3 and manner approved by the ~~state~~ director of THE BUREAU OF
4 elections, DEPARTMENT OF STATE, stating either of the following:

5 (a) His or her qualifications as an elector at the time he
6 or she departed from the United States or began residing in the
7 District of Columbia and affirming that he or she has not relin-
8 quished his or her citizenship or established residence for
9 voting in ~~any other~~ ANOTHER place.

10 (b) That he or she is a spouse or dependent of a person
11 described in subsection (1)(a), (c), or (d), that he or she meets
12 the qualifications as an elector other than residency in this
13 state, and that he or she has not established a residence for
14 voting in ~~any other~~ ANOTHER place.

15 (3) Upon receipt of an application FOR AN ABSENT VOTER
16 BALLOT under this section that complies with this act, a city,
17 VILLAGE, or township clerk shall forward to the applicant the
18 absent voter ballots requested, the forms necessary for registra-
19 tion, and instructions for completing the forms. If the ballots
20 are not yet available at the time of receipt of the application,
21 the clerk shall immediately forward to the applicant the regis-
22 tration forms and instructions, and forward the ballots as soon
23 as they are available. If the ballots and registration forms are
24 received before the close of the polls on election day and if the
25 registration complies with the requirements of this act, the
26 absent voter ballots shall be delivered to the proper election
27 board to be voted. If the registration does not comply with the

1 requirements of this act, the clerk shall retain the absent voter
2 ballots until the expiration of the time that the voted ballots
3 must be kept and shall then destroy the ballots without opening
4 the envelope. The clerk may retain registration forms completed
5 under this section in a separate file. The address in this state
6 shown on a registration form is the residence of the registrant.

7 (4) UPON RECEIPT OF AN INTERNET VOTER BALLOT APPLICATION
8 THAT COMPLIES WITH THE REQUIREMENTS OF THIS ACT, THE LOCAL CLERK
9 SHALL FORWARD TO THE APPLICANT THE MEANS TO VOTE BY INTERNET AS
10 DESCRIBED IN SECTION 750D. IF THE APPLICANT IS NOT A REGISTERED
11 VOTER AT THE TIME OF APPLICATION TO VOTE BY INTERNET, THE CLERK
12 SHALL PROVIDE THE FORMS TO ALLOW THE APPLICANT TO REGISTER UNDER
13 SECTION 504 AND SHALL NOT PROVIDE THE MEANS TO VOTE BY INTERNET
14 UNTIL THE RECEIPT OF A SIGNED REGISTRATION FORM OR AFFIDAVIT
15 UNDER SECTION 500G.

16 (5) ~~(4)~~ The size of a precinct shall not be determined by
17 registration forms completed under this section.

18 (6) ~~(5)~~ A person described in subsection (1)(a) and (b)
19 and a spouse or dependent of that person who is accompanying that
20 person is registered to vote in a special primary ELECTION or
21 special general election if he or she was registered to vote
22 under this section in the primary ELECTION or general election
23 immediately ~~preceding~~ BEFORE the special primary ELECTION or
24 special general election. The city, VILLAGE, or township clerk
25 who received that person's completed registration forms in the
26 primary or general election shall forward to that person at his
27 or her last known address an absent voter ballot OR AN

1 APPLICATION FOR AN INTERNET VOTER BALLOT for the special primary
2 or special general election immediately upon the clerk's receipt
3 of the absent voter ballots for the special primary or special
4 general election.

5 (7) ~~(6) Pursuant to~~ UNDER the uniformed and overseas citi-
6 zens absentee voting act, Public Law 99-410, 100 Stat. 924, the
7 ~~state~~ director of THE BUREAU OF elections, DEPARTMENT OF STATE,
8 shall approve a ballot form and registration procedures for elec-
9 tors in the armed services and electors outside the United
10 States, including the spouses and dependents accompanying those
11 electors.

12 (8) ~~(7)~~ As used in this section, "armed services" means
13 any of the following:

14 (a) The United States army, navy, air force, marine corps,
15 or coast guard.

16 (b) The United States merchant ~~marines~~ MARINE.

17 (c) A reserve component of an armed service listed in
18 subdivision (a) or (b).

19 (d) The Michigan national guard as defined in section 105 of
20 the Michigan military act, 1967 PA 150, MCL 32.505.

21 Sec. 769. (1) An absent OR INTERNET voter may vote in
22 person within his or her precinct at an election ~~, notwithstanding~~
23 ~~ing that~~ EVEN THOUGH he or she applies for an absent OR INTERNET
24 voter ballot and the ballot is mailed or otherwise delivered to
25 the ~~absent~~ voter by the clerk. This subsection only applies if
26 the absent OR INTERNET voter does not vote the ~~absent voter~~
27 ballot mailed or otherwise delivered by the clerk.

1 (2) Before voting in person, except as otherwise provided in
2 this section, the absent voter shall return the absent voter
3 ballot to the board of election inspectors in his or her
4 precinct. If an absent voter ballot is returned under this sub-
5 section, the board of election inspectors shall mark it
6 "CANCELED" and place it in the regular box with other canceled
7 ballots.

8 (3) An absent voter who did not receive an absent voter
9 ballot that he or she applied for or lost or destroyed an absent
10 voter ballot he or she received, OR AN INTERNET VOTER WHO DID NOT
11 RECEIVE THE MEANS TO VOTE BY THE INTERNET THAT HE OR SHE APPLIED
12 FOR, and who desires to vote in person in his or her precinct on
13 election day, shall sign an affidavit to that effect before an
14 election inspector and be allowed to vote as otherwise provided
15 in this act. However, a voter being allowed to vote under this
16 subsection is subject to challenge as provided in section 727.

17 (4) A person who votes at an election both in person and by
18 means of an absent OR INTERNET voter ballot or a person who
19 attempts to vote both in person and by means of an absent OR
20 INTERNET voter ballot is guilty of a felony.

21 (5) An election official who becomes aware of a person who
22 votes or attempts to vote both in person and by means of an
23 absent OR INTERNET voter ballot shall report that information to
24 the prosecuting attorney for that county and to the secretary of
25 state.