

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 757

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 759, 761, 764a, 765, 765a, and 765b (MCL
168.759, 168.761, 168.764a, 168.765, 168.765a, and 168.765b),
sections 759 and 761 as amended by 2018 PA 603, section 764a as
amended by 2012 PA 128, sections 765 and 765a as amended by 2020 PA
95, and section 765b as added by 2018 PA 127, and by adding
sections 14b, 24k, and 761d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 14b. As used in this act, "absent voter ballot secrecy**
2 **envelope container" means a container described in section 24k that**
3 **is used for storing and securing absent voter ballot secrecy**
4 **envelopes that are removed from the absent voter ballot return**



1 envelopes on the day before election day as provided in section
2 765.

3 Sec. 24k. (1) An absent voter ballot secrecy envelope
4 container includes a ballot bag, box, transfer case, or other
5 container used to store and secure absent voter ballot secrecy
6 envelopes.

7 (2) A manufacturer or distributor of an absent voter ballot
8 secrecy envelope container shall submit an absent voter ballot
9 secrecy envelope container to the secretary of state for approval
10 under the requirements of subsection (3) before the container is
11 sold to a city or township for use at an election.

12 (3) The secretary of state shall not approve an absent voter
13 ballot secrecy envelope container unless the container meets both
14 of the following requirements:

15 (a) The container is made of metal, plastic, fiberglass, or
16 other material, that provides resistance to tampering.

17 (b) The container is capable of being sealed.

18 (4) Before October 15, 2020, each board of county canvassers
19 shall examine the absent voter ballot secrecy envelope containers
20 to be used at the November 3, 2020 general election conducted under
21 this act. The board of county canvassers shall designate on the
22 absent voter ballot secrecy envelope container that the absent
23 voter ballot secrecy envelope container does or does not meet the
24 requirements under subsection (3). An absent voter ballot secrecy
25 envelope container that is not approved by a board of county
26 canvassers must not be used to store and secure any absent voter
27 ballot secrecy envelopes.

28 (5) A city or township clerk may procure, at the expense of
29 the respective city or township, absent voter ballot secrecy



1 envelope containers that are approved under this section, or may
2 use a ballot container approved under section 24j, to store and
3 secure any absent voter ballot secrecy envelopes.

4 (6) A city or township clerk who does not use 1 of the
5 following, or permits the use of a container other than 1 of the
6 following, to store and secure any absent voter ballot secrecy
7 envelopes is guilty of a misdemeanor:

8 (a) An absent voter ballot secrecy envelope container approved
9 under this section.

10 (b) A ballot container approved under section 24j.

11 (7) This section does not apply after December 31, 2020.

12 Sec. 759. (1) Subject to section 761(3), at any time during
13 the 75 days before a primary or special primary, but not later than
14 8 p.m. on the day of a primary or special primary, an elector may
15 apply for an absent voter ballot. The elector shall apply in person
16 or by mail with the clerk of the township or city in which the
17 elector is registered. The clerk of a city or township shall not
18 send by first-class mail an absent voter ballot to an elector after
19 5 p.m. on the Friday immediately before the election. ~~In addition,~~
20 **Except as otherwise provided in section 761(2),** the clerk of a city
21 or township shall not issue an absent voter ballot to a registered
22 elector in that city or township after 4 p.m. on the day before the
23 election. An application received before a primary or special
24 primary may be for either that primary only, or for that primary
25 and the election that follows. An individual may submit a voter
26 registration application and an absent voter ballot application at
27 the same time if applying in person with the clerk or deputy clerk
28 of the city or township in which the individual resides.
29 Immediately after his or her voter registration application and



1 absent voter ballot application are approved by the clerk or deputy
2 clerk, the individual may, subject to the identification
3 requirement in section 761(6), complete an absent voter ballot at
4 the clerk's office.

5 (2) Except as otherwise provided in subsection (1) and subject
6 to section 761(3), at any time during the 75 days before an
7 election, but not later than 8 p.m. on the day of an election, an
8 elector may apply for an absent voter ballot. The elector shall
9 apply in person or by mail with the clerk of the township, city, or
10 village in which the voter is registered. The clerk of a city or
11 township shall not send by first-class mail an absent voter ballot
12 to an elector after 5 p.m. on the Friday immediately before the
13 election. ~~In addition,~~ **Except as otherwise provided in section**
14 **761(2)**, the clerk of a city or township shall not issue an absent
15 voter ballot to a registered elector in that city or township after
16 4 p.m. on the day before the election. An individual may submit a
17 voter registration application and an absent voter ballot
18 application at the same time if applying in person with the clerk
19 or deputy clerk of the city or township in which the individual
20 resides. Immediately after his or her voter registration
21 application and absent voter ballot application are approved by the
22 clerk, the individual may, subject to the identification
23 requirement in section 761(6), complete an absent voter ballot at
24 the clerk's office.

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

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

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



1 (c) On a federal postcard application.

2 (4) An applicant for an absent voter ballot shall sign the
3 application. ~~A-Subject to section 761(2), a~~ clerk or assistant
4 clerk shall not deliver an absent voter ballot to an applicant who
5 does not sign the application. A person shall not be in possession
6 of a signed absent voter ballot application except for the
7 applicant; a member of the applicant's immediate family; a person
8 residing in the applicant's household; a person whose job normally
9 includes the handling of mail, but only during the course of his or
10 her employment; a registered elector requested by the applicant to
11 return the application; or a clerk, assistant of the clerk, or
12 other authorized election official. A registered elector who is
13 requested by the applicant to return his or her absent voter ballot
14 application shall sign the certificate on the absent voter ballot
15 application.

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

21 "Application for absent voter ballot for:

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

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

25 (Check applicable election or elections)

26 I, , a United States
27 citizen and a qualified and registered elector of the
28 precinct of the township of or of the
29 ward of the city of , in the



1 county of and state of Michigan,
2 apply for an official ballot, or ballots, to be voted by me at the
3 election or elections as requested in this application.

4 Send absent voter ballot to me at:

5

6 (Street No. or R.R.

7

8 (Post Office) (State) (Zip Code)

9 My registered address

10 (Street No. or R.R.)

11

12 (Post Office) (State) (Zip Code)

13 Date.....

14 I certify that I am a United States citizen and that
15 the statements in this absent voter ballot application
16 are true.

17

18 (Signature)

19 WARNING

20 You must be a United States citizen to vote. If you are not a
21 United States citizen, you will not be issued an absent voter
22 ballot.

23 A person making a false statement in this absent voter ballot
24 application is guilty of a misdemeanor. It is a violation of
25 Michigan election law for a person other than those listed in the
26 instructions to return, offer to return, agree to return, or
27 solicit to return your absent voter ballot application to the
28 clerk. An assistant authorized by the clerk who receives absent
29 voter ballot applications at a location other than the clerk's



1 office must have credentials signed by the clerk. Ask to see his or
2 her credentials before entrusting your application with a person
3 claiming to have the clerk's authorization to return your
4 application.

5 Certificate of Authorized Registered
6 Elector Returning Absent Voter
7 Ballot Application

8 I certify that my name is , my address is
9 , and my date of birth is ; that
10 I am delivering the absent voter ballot application of
11 at his or her request; that I did not solicit
12 or request to return the application; that I have not made any
13 markings on the application; that I have not altered the
14 application in any way; that I have not influenced the applicant;
15 and that I am aware that a false statement in this certificate is a
16 violation of Michigan election law.

17 _____
18 (Date) (Signature)

19 (6) The following instructions for an applicant for an absent
20 voter ballot must be included with each application furnished an
21 applicant:

22 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

23 Step 1. After completely filling out the application, sign and
24 date the application in the place designated. Your signature must
25 appear on the application or you ~~will~~**may** not receive an absent
26 voter ballot.

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

28 (a) Place the application in an envelope addressed to the
29 appropriate clerk and place the necessary postage upon the return



1 envelope and deposit it in the United States mail or with another
2 public postal service, express mail service, parcel post service,
3 or common carrier.

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

6 (c) In either (a) or (b), a member of the immediate family of
7 the voter including a father-in-law, mother-in-law, brother-in-law,
8 sister-in-law, son-in-law, daughter-in-law, grandparent, or
9 grandchild or a person residing in the voter's household may mail
10 or deliver the application to the clerk for the applicant.

11 (d) If an applicant cannot return the application in any of
12 the above methods, the applicant may select any registered elector
13 to return the application. The person returning the application
14 must sign and return the certificate at the bottom of the
15 application.

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

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

27 Sec. 761. (1) If the clerk of a city or township receives an
28 application for an absent voter ballot from a person registered to
29 vote in that city or township and if the signature on the



1 application agrees with the signature for the person contained in
2 the qualified voter file or on the registration card as required in
3 subsection (2), the clerk immediately upon receipt of the
4 application or, if the application is received before the printing
5 of the absent voter ballots, as soon as the ballots are received by
6 the clerk, shall forward by mail, postage prepaid, or shall deliver
7 personally 1 of the ballots or set of ballots if there is more than
8 1 kind of ballot to be voted to the applicant. Subject to the
9 identification requirement in subsection (6), absent voter ballots
10 may be delivered to an applicant in person at the office of the
11 clerk.

12 (2) The qualified voter file must be used to determine the
13 genuineness of a signature on an application for an absent voter
14 ballot. Signature comparisons must be made with the digitized
15 signature in the qualified voter file. If the qualified voter file
16 does not contain a digitized signature of an elector, or is not
17 accessible to the clerk, the city or township clerk shall compare
18 the signature appearing on the application for an absent voter
19 ballot to the signature contained on the master card. **If before 8**
20 **p.m. on the day before election day the clerk of a city or township**
21 **rejects an absent voter ballot application because the signature on**
22 **the absent voter ballot application does not agree sufficiently**
23 **with the signature on the master card or the digitized signature**
24 **contained in the qualified voter file so as to identify the elector**
25 **or because the elector failed to sign the absent voter ballot**
26 **application, the city or township clerk shall as soon as**
27 **practicable, but in no event later than 48 hours after determining**
28 **the signatures do not agree sufficiently or that the signature is**
29 **missing, or by 8 p.m. on the day before election day, whichever**



1 occurs first, notify the elector of the rejection by mail,
2 telephone, or electronic mail.

3 (3) Subject to the identification requirement in subsection
4 (6) and except as otherwise provided in this subsection, a person
5 may apply in person at the clerk's office before 8 p.m. on election
6 day to vote as an absent voter. ~~Only~~**Except as otherwise provided**
7 **in subsection (2), only** an individual who is not a registered
8 elector, or an individual who is not registered to vote in the city
9 or township in which he or she is registering to vote, and who
10 registers to vote on election day in person with the clerk of the
11 city or township in which the individual resides may apply for and
12 complete an absent voter ballot in person at the clerk's office on
13 election day. ~~In addition,~~**Except as otherwise provided in**
14 **subsection (2),** the clerk of a city or township shall not issue an
15 absent voter ballot to a registered elector in that city or
16 township after 4 p.m. on the day before the election. The applicant
17 shall receive his or her absent voter ballot and vote the ballot in
18 the clerk's office. All other absent voter ballots, except ballots
19 delivered pursuant to an emergency absent voter ballot application
20 under section 759b, must be mailed or delivered to the registration
21 address of the applicant unless the application requests delivery
22 to an address outside the city or township or to a hospital or
23 similar institution, in which case the absent voter ballots must be
24 mailed or delivered to the address given in the application.
25 However, a clerk may mail or deliver an absent voter ballot, upon
26 request of the absent voter, to a post office box if the post
27 office box is where the absent voter normally receives personal
28 mail and the absent voter does not receive mail at his or her
29 registration address.



1 (4) Absent voter ballots must be issued in the same order in
2 which applications are received by the clerk of a city, township,
3 or village, as nearly as may be, and each ballot issued must bear
4 the lowest number of each kind available for this purpose. However,
5 this provision does not prohibit a clerk from immediately issuing
6 an absent voter ballot to an absent voter who applies in person in
7 the clerk's office for absent voter ballots. The clerk shall
8 enclose with the ballot or ballots a return envelope properly
9 addressed to the clerk and bearing upon the back of the envelope a
10 printed statement in substantially the following form:

11 TO BE COMPLETED

12 BY THE CLERK

_____		_____	
Name of Voter		Street Address or R.R.	
_____		_____	
City or Township		County	
Ward _____	Precinct _____	Date of Election _____	
=====			

19 TO BE COMPLETED BY THE ABSENT VOTER

20 I assert that I am a United States citizen and a qualified and
21 registered elector of the city or township named above. I am voting
22 as an absent voter in conformity with state election law. Unless
23 otherwise indicated below, I personally marked the ballot enclosed
24 in this envelope without exhibiting it to any other person.

25 I further assert that this absent voter ballot is being
26 returned to the clerk or an assistant of the clerk by me
27 personally; by public postal service, express mail service, parcel
28 post service, or other common carrier; by a member of my immediate
29 family; or by a person residing in my household.



1 DATE: _____ SIGN HERE: X _____

2 Signature of Absent Voter

3 The above form must be signed or your vote ~~will~~**may** not be
4 counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT
5 IS GUILTY OF A MISDEMEANOR.

6 =====

7 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
8 BY ANOTHER PERSON

9 I assisted the above named absent voter who is disabled or
10 otherwise unable to mark the ballot in marking his or her absent
11 voter ballot pursuant to his or her directions. The absent voter
12 ballot was inserted in the return envelope without being exhibited
13 to any other person.

14 _____
15 Signature of Person Street Address City or Township
16 Assisting Voter or R.R.

17 _____
18 Printed Name of Person Assisting Voter

19 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A
20 FALSE STATEMENT IS GUILTY OF A FELONY.

21 =====

22 WARNING

23 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
24 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A
25 PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR
26 RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY
27 THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO
28 HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC
29 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR



1 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER
2 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
3 AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER
4 PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A
5 FELONY.

6 (5) An absent voter who knowingly makes a false statement on
7 the absent voter ballot return envelope is guilty of a misdemeanor.
8 A person who assists an absent voter and who knowingly makes a
9 false statement on the absent voter ballot return envelope is
10 guilty of a felony.

11 (6) If an elector obtains his or her absent voter ballot in
12 person from the clerk of the city or township in which he or she is
13 registered, the clerk of the city or township shall not provide an
14 absent voter ballot to that elector until the elector identifies
15 himself or herself to the clerk by presenting identification for
16 election purposes. If an elector does not have identification for
17 election purposes, the elector may sign an affidavit to that effect
18 before the clerk of the city or township and be allowed to obtain
19 his or her absent voter ballot in person from the clerk. The clerk
20 of the city or township shall indicate to each elector who is
21 registered in that city or township and who obtains his or her
22 absent voter ballot in person from the clerk that the elector may
23 sign an affidavit indicating that the elector does not have
24 identification for election purposes in order to obtain his or her
25 absent voter ballot in person from the clerk. However, if an
26 elector obtains his or her absent voter ballot in person from the
27 clerk and votes by absent voter ballot without providing
28 identification for election purposes required under this
29 subsection, the absent voter ballot of that elector must be



1 prepared as a challenged ballot as provided in section 727 and must
 2 be counted as any other ballot is counted unless determined
 3 otherwise by a court of law under section 747 or 748 or any other
 4 applicable law.

5 **Sec. 761d. (1) Except as otherwise provided in this subsection**
 6 **and subsection (2), if an absent voter ballot drop box was ordered**
 7 **or installed in a city or township before October 1, 2020, that**
 8 **absent voter ballot drop box is exempt from the requirements of**
 9 **this section. Subsection (5) applies to an absent voter ballot drop**
 10 **box described in this subsection.**

11 (2) If an absent voter ballot drop box was ordered, but not
 12 installed in, a city or township before October 1, 2020, the clerk
 13 of that city or township must make every reasonable effort to have
 14 that absent voter ballot drop box comply with the requirements of
 15 this section.

16 (3) An absent voter ballot drop box must meet all of the
 17 following requirements:

18 (a) Be clearly labeled as an absent voter ballot drop box.

19 (b) Whether located indoors or outdoors, be securely locked
 20 and be designed to prevent the removal of absent voter ballots when
 21 locked.

22 (c) If located in an area that is not continuously staffed, be
 23 secured to prevent the removal of the absent voter ballot drop box
 24 from its location.

25 (4) If an absent voter ballot drop box is located outdoors,
 26 all of the following apply:

27 (a) The drop box must be securely locked and bolted to the
 28 ground or to another stationary object.

29 (b) The drop box must be equipped with a single slot or



1 mailbox-style lever to allow absent voter ballot return envelopes
2 to be placed in the drop box, and all other openings on the drop
3 box must be securely locked.

4 (c) The city or township clerk must use video monitoring of
5 that drop box to ensure effective monitoring of that drop box.

6 (d) The drop box must be in a public, well-lit area with good
7 visibility.

8 (e) The city or township clerk must immediately report to
9 local law enforcement any vandalism involving the drop box or any
10 suspicious activity occurring in the immediate vicinity of the drop
11 box.

12 (5) Only a city or township clerk, his or her deputy clerk, or
13 a sworn member of his or her staff, is authorized to collect absent
14 voter ballots from an absent voter ballot drop box.

15 Sec. 764a. The following instructions for an absent voter
16 shall ~~shall~~ **must** be included with each ballot or set of ballots furnished
17 an absent voter:

18 INSTRUCTIONS FOR ABSENT VOTERS

19 Step 1. Enclosed you will find voting instructions as to the
20 method of voting. Read these carefully and then vote the ballot.

21 Step 2. After voting a ballot, place the ballot in the secrecy
22 sleeve, if any. If a secrecy sleeve is not provided, refold the
23 ballot to conceal your votes.

24 Step 3. Place the ballot or ballots in the return envelope and
25 securely seal the envelope.

26 Step 4. Sign and date the return envelope in the place
27 designated. Your signature must appear on the return envelope or
28 the ballot will not be counted. If you are disabled or otherwise
29 unable to mark the ballot and required assistance in voting your



1 absent voter ballot, have the ~~person~~**individual** who assisted you
 2 complete the section on the return envelope entitled "TO BE
 3 COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER
 4 ~~PERSON~~**INDIVIDUAL**".

5 Step 5. Deliver the return envelope by 1 of the following
 6 methods:

7 (a) Place the necessary postage upon the return envelope and
 8 deposit it in the United States mail or with another public postal
 9 service, express mail service, parcel post service, or common
 10 carrier.

11 (b) Deliver the envelope personally to the office of the
 12 clerk, to the clerk, or to an authorized assistant of the clerk, **or**
 13 **to a secure drop box located in the city or township.**

14 (c) In either (a) or (b), a member of the immediate family of
 15 the voter including a father-in-law, mother-in-law, brother-in-law,
 16 sister-in-law, son-in-law, daughter-in-law, grandparent, or
 17 grandchild or ~~a person~~**an individual** residing in the voter's
 18 household may mail or deliver a ballot to the clerk for the voter.

19 (d) You may request by telephone that the clerk who issued the
 20 ballot provide assistance in returning the ballot. The clerk is
 21 required to provide assistance if you are unable to return your
 22 absent voter ballot as specified in (a), (b), or (c) above, if it
 23 is before 5 p.m. on the Friday immediately preceding the election,
 24 and if you are asking the clerk to ~~pickup~~**pick up** the absent voter
 25 ballot within the jurisdictional limits of the city, township, or
 26 village in which you are registered. Your absent voter ballot will
 27 then be picked up by the clerk or an election assistant sent by the
 28 clerk. All ~~persons~~**individuals** authorized to pick up absent voter
 29 ballots are required to carry credentials issued by the clerk. If



1 using this absent voter ballot return method, do not give your
2 ballot to anyone until you have checked their credentials.

3 Step 6. The ballot must reach the clerk or an authorized
4 assistant of the clerk before the close of the polls on election
5 day. An absent voter ballot received by the clerk or assistant of
6 the clerk after the close of the polls on election day will not be
7 counted.

8 WARNING

9 All of the following actions are violations of the Michigan
10 election law and are illegal in this state:

11 (1) To vote an absent voter ballot at a meeting or gathering
12 at which other ~~people~~**individuals** are voting absent voter ballots.

13 (2) For a ~~person~~**an individual** who is assisting an absent
14 voter in marking the ballot to suggest or in any manner attempt to
15 influence the absent voter on how he or she should vote.

16 (3) For a ~~person~~**an individual** who is present and knows that a
17 ~~person~~**an individual** is voting an absent voter ballot to suggest or
18 in any manner attempt to influence the absent voter on how he or
19 she should vote.

20 (4) For a ~~person~~**an individual** other than those listed in
21 these instructions to return, offer to return, agree to return, or
22 solicit to return an absent voter ballot to the clerk.

23 (5) For a ~~person~~**an individual** other than the absent voter; a
24 ~~person~~**an individual** listed in these instructions; or a ~~person~~**an**
25 **individual** whose job it is to handle mail before, during, or after
26 being transported by a public postal service, express mail service,
27 parcel post service, or common carrier, but only during the normal
28 course of his or her employment to be in possession of a voted or
29 unvoted absent voter ballot.



1 Sec. 765. (1) ~~A~~**Except as otherwise provided in subsection**
 2 **(6),** a clerk who receives an absent voter ballot return envelope
 3 containing the marked ballots of an absent voter shall not open
 4 that envelope before delivering the envelope to the board of
 5 election inspectors as provided in this section. ~~The~~**Except as**
 6 **otherwise provided in subsection (6), the** city or township clerk
 7 shall safely keep in his or her office until election day any
 8 absent voter ballot return envelopes received by the clerk before
 9 election day containing the marked ballots of an absent voter.

10 (2) Before the opening of the polls on election day or as soon
 11 after the opening of the polls as possible, the clerk shall deliver
 12 the absent voter ballot return envelopes to the chairperson or
 13 other member of the board of election inspectors in the absent
 14 voter's precinct, together with the signed absent voter ballot
 15 applications received by the clerk from any voters of that precinct
 16 and the clerk's list or record kept relative to those absent
 17 voters. However, if higher numbered ballots are used under section
 18 717, the clerk shall retain the applications and lists in his or
 19 her office and shall keep the applications and lists open to public
 20 inspection at all reasonable hours. Absent voter ballots must not
 21 be tabulated before the opening of the polls on election day.

22 (3) The city or township clerk, or authorized designee of the
 23 clerk, shall call for and receive absent voter ballots from the
 24 post office at which the city or township clerk regularly receives
 25 mail addressed to the city or township clerk on election day. Any
 26 envelopes containing absent voter ballots that are received from
 27 the post office or from voters who voted by absentee ballot in
 28 person in the clerk's office on election day must be delivered to
 29 the board of election inspectors or, except as otherwise provided



1 in section 764d, the absent voter counting boards to be tabulated.

2 (4) If a marked absent voter ballot is received by the clerk
3 after the close of the polls, the clerk shall plainly mark the
4 envelope with the time and date of receipt and shall file the
5 envelope in his or her office.

6 (5) On or before 8 a.m. on election day, the clerk shall post
7 in the clerk's office or otherwise make public the number of absent
8 voter ballots the clerk distributed to absent voters and the number
9 of absent voter ballot return envelopes containing the marked
10 ballots of absent voters received by the clerk before election day
11 and to be delivered to the board of election inspectors or the
12 absent voter counting boards under this act. On or before 9 p.m. on
13 election day, the clerk shall post in the clerk's office or
14 otherwise make public the number of absent voter ballot return
15 envelopes containing the marked ballots of absent voters received
16 by the clerk on election day and delivered to the board of election
17 inspectors, under subsection (3), along with the total number of
18 absent voter ballot return envelopes containing the marked ballots
19 of absent voters received by the clerk both before and on election
20 day and delivered to the board of election inspectors or the absent
21 voter counting boards under this act. As soon as possible after all
22 precincts in the city or township are processed, the clerk shall
23 post in the clerk's office or otherwise make public the number of
24 absent voter ballot return envelopes containing the marked ballots
25 of absent voters received by the election inspectors at the
26 precincts on election day, along with the total number of absent
27 voter ballot return envelopes containing the marked ballots of
28 absent voters received in the city or township for that election.
29 This subsection applies only to elections in which a federal or



1 state office appears on the ballot.

2 (6) For the November 3, 2020 general election only, if the
3 clerk of a city or township with a population of at least 25,000
4 provides written notice in compliance with this subsection to the
5 secretary of state 20 days or more before election day, that city
6 or township clerk, or his or her authorized designee, may between
7 the hours of 10 a.m. and 8 p.m. on the day before election day
8 perform certain absent voter ballot pre-processing activities as
9 described in this subsection. The written notice provided to the
10 secretary of state must include the location and hours that the
11 absent voter ballot return envelopes will be opened in that city or
12 township. The secretary of state shall post any written notice
13 received from the clerk of a city or township under this subsection
14 on the department of state website. In addition, the clerk of the
15 city or township shall post the written notice provided to the
16 secretary of state on the city or township website. The board of
17 election commissioners shall appoint election inspectors to the
18 location where absent voter ballot return envelopes will be opened
19 in that city or township not less than 21 days or more than 40 days
20 before the day at which they are to be used. Election inspectors
21 may be appointed by the board of election commissioners under this
22 subsection before written notice is provided to the secretary of
23 state under this subsection. Sections 673a and 674 apply to the
24 appointment of election inspectors under this subsection. All
25 requirements for election inspectors appointed to an absent voter
26 counting board under section 765a apply to election inspectors
27 appointed under this subsection. At all times, at least 1 election
28 inspector from each major political party must be present at the
29 location and the policies and procedures adopted by the secretary



1 of state regarding the handling of absent voter ballot return
2 envelopes and absent voter ballot secrecy envelopes must be
3 followed. After providing written notice to the secretary of state
4 in compliance with this subsection, a city or township clerk, or
5 his or her authorized designee, on the day before election day is
6 only authorized to perform standard processing activities up to and
7 including the opening of absent voter ballot return envelopes and
8 the removal of absent voter ballot secrecy envelopes containing
9 absent voter ballots and to verify that the ballot number on the
10 ballot stub agrees with the ballot number on the absent voter
11 ballot return envelope label. The city or township clerk, or his or
12 her authorized designee, is not authorized to remove absent voter
13 ballots from the absent voter ballot secrecy envelopes. If an
14 opened absent voter ballot return envelope contains an absent voter
15 ballot that is not contained in an absent voter ballot secrecy
16 envelope, the city or township clerk, or his or her designee, shall
17 immediately insert that absent voter ballot into an absent voter
18 ballot secrecy envelope. The opening of absent voter ballot return
19 envelopes must be done at a location designated by the city or
20 township clerk, and the location and opening of absent voter ballot
21 return envelopes must be accessible to challengers as described in
22 section 730. The election inspectors appointed to the location
23 where absent voter ballot return envelopes will be opened in that
24 city or township must never leave the absent voter ballot secrecy
25 envelopes unattended. Once the absent voter ballot return envelopes
26 have been opened as provided in this subsection, the absent voter
27 ballot secrecy envelopes containing the absent voter ballots to be
28 counted must be stored, secured, and sealed in an absent voter
29 ballot secrecy envelope container, as described in section 24k, or



1 stored, secured, and sealed in a ballot container approved under
 2 section 24j. The city or township clerk shall record the seal
 3 number in the poll book, or an addendum to the poll book, and
 4 follow all other policies and procedures adopted by the secretary
 5 of state regarding absent voter ballots. The poll book, or an
 6 addendum to the poll book, must be signed and dated by 1 election
 7 inspector from each major political party who is present at the
 8 location on the day before election day. The city or township clerk
 9 shall store the absent voter ballot secrecy envelope container
 10 containing the absent voter ballot secrecy envelopes in a secure
 11 location until election day.

12 (7) The election inspectors who are appointed under subsection
 13 (6) shall record in the poll book, or an addendum to the poll book,
 14 all of the following:

15 (a) The number of absent voter ballot return envelopes that
 16 were opened on the day before election day.

17 (b) The number of absent voter ballot return envelopes
 18 delivered to the election inspectors that did not contain an
 19 elector's signature and that were returned to the city or township
 20 clerk.

21 (c) The number of absent voter ballot return envelopes that
 22 were challenged, not opened by the election inspectors, and set
 23 aside to be processed by the election inspectors on election day.

24 (8) The election inspectors who are appointed to an absent
 25 voter counting board on election day as provided in section 765a
 26 shall do all of the following:

27 (a) Verify the seal number recorded in the poll book, or an
 28 addendum to the poll book, for any absent voter ballot secrecy
 29 envelope container delivered to the absent voter counting board.



1 (b) Count and record in the poll book, or an addendum to the
2 poll book, both of the following:

3 (i) The number of absent voter ballot return envelopes opened
4 by the election inspectors on the day before election day as
5 provided under subsection (6) and the number of absent voter ballot
6 secrecy envelopes delivered to the absent voter counting board on
7 election day.

8 (ii) The number of absent voter ballot return envelopes that
9 were challenged, not opened by the election inspectors on the day
10 before election day, and set aside to be processed by the election
11 inspectors on election day.

12 (9) Not later than March 1, 2021, the secretary of state shall
13 provide a written report to the house and senate committees dealing
14 with elections that contains all of the following information:

15 (a) The number of cities and townships that performed absent
16 voter ballot pre-processing activities as described in subsection
17 (6).

18 (b) The names of the cities and townships that performed
19 absent voter ballot pre-processing activities as described in
20 subsection (6), and all of the following information for each of
21 those cities and townships:

22 (i) The number of registered electors in each city or township.

23 (ii) The number of active registered electors in each city or
24 township.

25 (iii) The number of electors who voted by absent voter ballot in
26 each city or township.

27 (iv) The number of electors who voted in person on election day
28 in each city or township.

29 (v) The number of absent voter ballots that were not returned



1 in each city or township.

2 (vi) The number of electors on a permanent absent voter list in
3 each city or township, if applicable.

4 (vii) The number of ballots that had to be duplicated in each
5 city or township.

6 (c) The total number of absent voter ballot return envelopes
7 that were opened on the day before election day.

8 (d) The total number of absent voter ballot return envelopes
9 delivered to the election inspectors that did not contain an
10 elector's signature and that were returned to the city or township
11 clerk.

12 (e) The total number of absent voter ballot return envelopes
13 that were challenged, not opened by the election inspectors, and
14 set aside to be processed by the election inspectors on election
15 day.

16 (f) The total number of absent voter ballot secrecy envelopes
17 that were stored in an absent voter ballot secrecy envelope
18 container.

19 (g) For each city or township that performed absent voter
20 ballot pre-processing activities as described in subsection (6),
21 whether the number of absent voter ballot return envelopes opened
22 on the day before election day matched the number of absent voter
23 ballot secrecy envelopes delivered to the absent voter counting
24 board on election day.

25 Sec. 765a. (1) Subject to section 764d, if a city or township
26 decides to use absent voter counting boards, the board of election
27 commissioners of that city or township shall establish an absent
28 voter counting board for each election day precinct in that city or
29 township. The ballot form of an absent voter counting board must



1 correspond to the ballot form of the election day precinct for
2 which it is established. After the polls close on election day, the
3 county, city, or township clerk responsible for producing the
4 accumulation report of the election results submitted by the boards
5 of precinct election inspectors shall format the accumulation
6 report to clearly indicate all of the following:

- 7 (a) The election day precinct returns.
8 (b) The corresponding absent voter counting board returns.
9 (c) A total of each election day precinct return and each
10 corresponding absent voter counting board return.

11 (2) Subject to section 764d, the board of election
12 commissioners shall establish the absent voter counting boards.
13 Subject to section 764d, the board of election commissioners shall
14 appoint the election inspectors to those absent voter counting
15 boards not less than 21 days or more than 40 days before the
16 election at which they are to be used. Sections 673a and 674 apply
17 to the appointment of election inspectors to absent voter counting
18 boards under this section. The board of election commissioners
19 shall determine the number of ballots that may be expeditiously
20 counted by an absent voter counting board in a reasonable period of
21 time, taking into consideration the size and complexity of the
22 ballot to be counted pursuant to the guidelines of the secretary of
23 state. Combined ballots must be regarded as the number of ballots
24 as there are sections to the ballot.

25 (3) If more than 1 absent voter counting board is to be used,
26 the city or township clerk shall determine the number of electronic
27 voting systems or the number of ballot boxes and the number of
28 election inspectors to be used in each of the absent voter counting
29 boards and to which absent voter counting board the absent voter



1 ballots for each precinct are assigned for counting.

2 (4) In a city or township that uses absent voter counting
3 boards under this section, absent voter ballots must be counted in
4 the manner provided in this section and, except as otherwise
5 provided in section 764d, absent voter ballots must not be
6 delivered to the polling places. Subject to section 764d, the board
7 of election commissioners shall provide a place for each absent
8 voter counting board to count the absent voter ballots. Section 662
9 applies to the designation and prescribing of the absent voter
10 counting place or places in which the absent voter counting board
11 performs its duties under this section, except the location may be
12 in a different jurisdiction if the county provides a tabulator for
13 use at a central absent voter counting board location in that
14 county. The places must be designated as absent voter counting
15 places. Except as otherwise provided in this section, laws relating
16 to paper ballot precincts, including laws relating to the
17 appointment of election inspectors, apply to absent voter counting
18 places. The provisions of this section relating to placing of
19 absent voter ballots on electronic voting systems apply. More than
20 1 absent voter counting board may be located in 1 building.

21 (5) The clerk of a city or township that uses absent voter
22 counting boards shall supply each absent voter counting board with
23 supplies necessary to carry out its duties under this act. The
24 supplies must be furnished to the city or township clerk in the
25 same manner and by the same persons or agencies as for other
26 precincts.

27 (6) Subject to section 764d, absent voter ballots received by
28 the clerk before election day must be delivered to the absent voter
29 counting board by the clerk or the clerk's authorized assistant at



1 the time the election inspectors of the absent voter counting
2 boards report for duty, which time must be established by the board
3 of election commissioners. Except as otherwise provided in section
4 764d, absent voter ballots received by the clerk before the time
5 set for the closing of the polls on election day must be delivered
6 to the absent voter counting boards. ~~Absent~~ **Except as otherwise**
7 **provided in section 765(6), absent** voter ballots must be delivered
8 to the absent voter counting boards or combined absent voter
9 counting boards in the sealed absent voter ballot return envelopes
10 in which they were returned to the clerk. Written or stamped on
11 each of the return envelopes must be the time and the date that the
12 envelope was received by the clerk and a statement by the clerk
13 that the signatures of the absent voters on the envelopes have been
14 checked and found to agree with the signatures of the voters on the
15 registration cards or the digitized signatures of voters contained
16 in the qualified voter file as provided under section 766. If **it is**
17 **determined after 8 p.m. on the day before election day that a**
18 signature on the registration card or a digitized signature
19 contained in the qualified voter file and on the absent voter
20 ballot return envelope does not agree as provided under section
21 766, if **it is determined after 8 p.m. on the day before election**
22 **day that** the absent voter failed to sign the envelope, or if the
23 statement of the absent voter is not properly executed, the clerk
24 shall mark the envelope "rejected" and the reason for the rejection
25 and shall place his or her name under the notation. An envelope
26 marked "rejected" must not be delivered to the absent voter
27 counting board or combined absent voter counting board but must be
28 preserved by the clerk until other ballots are destroyed in the
29 manner provided in this act. **If before 8 p.m. on the day before**



1 election day the clerk of a city or township rejects an absent
2 voter ballot return envelope because the signature on the absent
3 voter ballot return envelope does not agree sufficiently with the
4 signature on the master card or the digitized signature contained
5 in the qualified voter file so as to identify the elector or
6 because the elector failed to sign the absent voter ballot return
7 envelope, the city or township clerk shall as soon as practicable,
8 but in no event later than 48 hours after determining the
9 signatures do not agree sufficiently or that the signature is
10 missing, or by 8 p.m. on the day before election day, whichever
11 occurs first, notify the elector of the rejection by mail,
12 telephone, or electronic mail. The clerk shall also comply with
13 section 765(5).

14 (7) This chapter does not prohibit an absent voter from voting
15 in person within the voter's precinct at an election,
16 notwithstanding that the voter may have applied for an absent voter
17 ballot and the ballot may have been mailed or otherwise delivered
18 to the voter. The voter, the election inspectors, and other
19 election officials shall proceed in the manner prescribed in
20 section 769. The clerk shall preserve the canceled ballots for 2
21 years.

22 (8) The absent voter counting boards and combined absent voter
23 counting boards shall process the ballots and returns in as nearly
24 as possible the same manner as ballots are processed in paper
25 ballot precincts. The poll book may be combined with the absent
26 voter list or record required by section 760, and the applications
27 for absent voter ballots may be used as the poll list. The
28 processing and tallying of absent voter ballots may commence at 7
29 a.m. on the day of the election.



1 (9) An election inspector, challenger, or any other person in
 2 attendance at an absent voter counting place or combined absent
 3 voter counting place at any time after the processing of ballots
 4 has begun shall take and sign the following oath that may be
 5 administered by the chairperson or a member of the absent voter
 6 counting board or combined absent voter counting board:

7 "I (name of person taking oath) do solemnly swear (or affirm)
 8 that I shall not communicate in any way any information relative to
 9 the processing or tallying of votes that may come to me while in
 10 this counting place until after the polls are closed."

11 (10) The oaths administered under subsection (9) must be
 12 placed in an envelope provided for the purpose and sealed with the
 13 red state seal. Following the election, the oaths must be delivered
 14 to the city or township clerk. Except as otherwise provided in
 15 subsection (12), a person in attendance at the absent voter
 16 counting place or combined absent voter counting place shall not
 17 leave the counting place after the tallying has begun until the
 18 polls close. **Subject to this subsection, the clerk of a city or**
 19 **township may allow the election inspectors appointed to an absent**
 20 **voter counting board in that city or township to work in shifts. A**
 21 **second or subsequent shift of election inspectors appointed for an**
 22 **absent voter counting board may begin that shift at any time on**
 23 **election day as provided by the city or township clerk. However, an**
 24 **election inspector shall not leave the absent voter counting place**
 25 **after the tallying has begun until the polls close. If the election**
 26 **inspectors appointed to an absent voter counting board are**
 27 **authorized to work in shifts, at no time shall there be a gap**
 28 **between shifts and the election inspectors must never leave the**
 29 **absent voter ballots unattended. At all times, at least 1 election**



1 **inspector from each major political party must be present at the**
2 **absent voter counting place and the policies and procedures adopted**
3 **by the secretary of state regarding the counting of absent voter**
4 **ballots must be followed.** A person who causes the polls to be
5 closed or who discloses an election result or in any manner
6 characterizes how any ballot being counted has been voted in a
7 voting precinct before the time the polls can be legally closed on
8 election day is guilty of a felony.

9 (11) Voted absent voter ballots must be placed in an approved
10 ballot container, and the ballot container must be sealed in the
11 manner provided by this act for paper ballot precincts. The seal
12 numbers must be recorded on the statement sheet and in the poll
13 book.

14 (12) Subject to this subsection, a local election official who
15 has established an absent voter counting board or combined absent
16 voter counting board, the deputy or employee of that local election
17 official, an employee of the state bureau of elections, a county
18 clerk, an employee of a county clerk, or a representative of a
19 voting equipment company may enter and leave an absent voter
20 counting board or combined absent voter counting board after the
21 tally has begun but before the polls close. A person described in
22 this subsection may enter an absent voter counting board or
23 combined absent voter counting board only for the purpose of
24 responding to an inquiry from an election inspector or a challenger
25 or providing instructions on the operation of the counting board.
26 Before entering an absent voter counting board or combined absent
27 voter counting board, a person described in this subsection must
28 take and sign the oath prescribed in subsection (9). The
29 chairperson of the absent voter counting board or combined absent



1 voter counting board shall record in the poll book the name of a
 2 person described in this subsection who enters the absent voter
 3 counting board or combined absent voter counting board. A person
 4 described in this subsection who enters an absent voter counting
 5 board or combined absent voter counting board and who discloses an
 6 election result or in any manner characterizes how any ballot being
 7 counted has been voted in a precinct before the time the polls can
 8 be legally closed on election day is guilty of a felony. As used in
 9 this subsection, "local election official" means a county, city, or
 10 township clerk.

11 (13) The secretary of state shall develop instructions
 12 consistent with this act for the conduct of absent voter counting
 13 boards or combined absent voter counting boards. The secretary of
 14 state shall distribute the instructions developed under this
 15 subsection to county, city, and township clerks 40 days or more
 16 before a general election in which absent voter counting boards or
 17 combined absent voter counting boards will be used. A county, city,
 18 or township clerk shall make the instructions developed under this
 19 subsection available to the public and shall distribute the
 20 instructions to each challenger in attendance at an absent voter
 21 counting board or combined absent voter counting board. The
 22 instructions developed under this subsection are binding upon the
 23 operation of an absent voter counting board or combined absent
 24 voter counting board used in an election conducted by a county,
 25 city, or township.

26 Sec. 765b. (1) Not later than ~~2-5~~ p.m. on the ~~Saturday-Friday~~
 27 immediately before an election, an elector may submit a signed,
 28 written statement to his or her city or township clerk requesting
 29 that the clerk do both of the following:



1 (a) Spoil the elector's absent voter ballot.

2 (b) Provide or mail a new absent voter ballot to the elector.

3 (2) Upon receipt of a signed, written statement from an
4 elector as described in subsection (1), the city or township clerk
5 shall mark the absent voter ballot return envelope of that elector
6 as "spoiled" and retain the envelope. In addition, the city or
7 township clerk shall provide or mail a new absent voter ballot to
8 that elector.

9 (3) An elector who has returned an absent voter ballot may,
10 before ~~4 p.m.~~ **10 a.m.** on the day before an election except Sunday
11 or a legal holiday, appear in person at his or her city or township
12 clerk's office to do both of the following:

13 (a) Spoil his or her absent voter ballot by submitting a
14 signed, written statement to the city or township clerk indicating
15 that the elector wishes to have his or her absent voter ballot
16 spoiled.

17 (b) Vote a new absent voter ballot in the clerk's office.

18 (4) Upon receipt of the signed, written statement from an
19 elector as described in subsection (3)(a), the city or township
20 clerk shall mark the absent voter ballot return envelope of that
21 elector as "spoiled" and retain the envelope. In addition, the city
22 or township clerk shall issue the elector a new absent voter ballot
23 that must be voted by the elector in the clerk's office.

24 (5) Not later than ~~2-5 p.m.~~ on the ~~Saturday~~ **Friday** immediately
25 before an election, an elector who has lost his or her absent voter
26 ballot or not yet received his or her absent voter ballot in the
27 mail may submit a signed, written statement to his or her city or
28 township clerk requesting that the clerk do both of the following:

29 (a) Spoil the elector's absent voter ballot.



1 (b) Provide or mail a new absent voter ballot to the elector.

2 (6) Upon receipt of a signed, written statement from an
3 elector as described in subsection (5), the city or township clerk
4 shall indicate in the qualified voter file that the original ballot
5 is spoiled. In addition, the city or township clerk shall provide
6 or mail a new absent voter ballot to that elector.

7 (7) An elector who has lost his or her absent voter ballot or
8 not yet received his or her absent voter ballot in the mail may,
9 before 4 p.m. on the day before an election except Sunday or a
10 legal holiday, appear in person at his or her city or township
11 clerk's office to do both of the following:

12 (a) Spoil his or her absent voter ballot by submitting a
13 signed, written statement to the city or township clerk indicating
14 that the elector wishes to have his or her absent voter ballot
15 spoiled.

16 (b) Vote a new absent voter ballot in the clerk's office.

17 (8) Upon receipt of the signed, written statement from an
18 elector described in subsection (7) (a), the city or township clerk
19 shall indicate in the qualified voter file that the original ballot
20 is spoiled. In addition, the city or township clerk shall issue the
21 elector a new absent voter ballot that must be voted by the elector
22 in the clerk's office.

