

**SUBSTITUTE FOR
SENATE BILL NO. 369**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 509aa and 811 (MCL 168.509aa and 168.811),
section 509aa as amended by 2012 PA 270 and section 811 as amended
by 2018 PA 603, and by adding sections 6, 759e, 759f, and 759g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 6. As used in this act:**

2 (b) "Permanent mail ballot voter" means a registered elector
3 who submits a signed absent voter ballot application to receive an
4 absent voter ballot by mail for all future elections and whose
5 application has been verified.

6 (b) "Presidential primary ballot selection form" means a form,
7 as prescribed by the secretary of state, that a permanent mail

1 **ballot voter can use to select, or use to change a prior selection**
2 **of, the political party ballot that the permanent mail ballot voter**
3 **wishes to receive for a presidential primary election.**

4 Sec. 509aa. (1) A clerk may use change of address information
5 supplied by the United States ~~postal service~~ **Postal Service** or
6 other reliable information received by the clerk that identifies
7 registered ~~voters~~ **electors** whose addresses may have changed as
8 provided in this section.

9 (2) ~~Upon~~ **On** receipt of reliable information that a registered
10 ~~voter~~ **elector** has moved ~~his or her~~ **the elector's** residence within
11 the city or township, the clerk shall send by forwardable mail all
12 of the following to the ~~voter~~ **elector**:

13 (a) A notice that the clerk has received information
14 indicating that the ~~voter~~ **elector** has moved ~~his or her~~ **the**
15 **elector's** residence within the city or township.

16 (b) A postage prepaid and preaddressed return card on which
17 the ~~voter~~ **elector** may verify or correct the address information.

18 (c) A notice explaining that, if the address information is
19 correct and the ~~voter~~ **elector** has moved ~~his or her~~ **the elector's**
20 residence within the city or township, the ~~voter~~ **elector** should
21 complete and return the card to the clerk with a postmark of 30
22 days or more before the date of the next election. If the ~~voter~~
23 **elector** has moved ~~his or her~~ **the elector's** residence within the
24 city or township and does not complete and return the card to the
25 clerk with a postmark of 30 days or more before the date of the
26 next election, the ~~voter~~ **elector** will be required to vote in ~~his or~~
27 ~~her~~ **the elector's** former precinct of residence in the city or
28 township. The ~~voter~~ **elector** will also be required to submit an
29 address correction before being permitted to vote.

1 (3) ~~Upon~~**On** the receipt of reliable information that a
2 registered ~~voter~~**elector** has moved ~~his or her~~**the elector's**
3 residence to another city or township, the clerk shall send by
4 forwardable mail all of the following to the ~~voter~~**elector**:

5 (a) A notice that the clerk has received information
6 indicating that the ~~voter~~**elector** has moved ~~his or her~~**the**
7 **elector's** residence to another city or township.

8 (b) A postage prepaid and preaddressed return card on which
9 the ~~voter~~**elector** may verify or correct the address information.

10 (c) A notice containing all of the following information:

11 (i) If the address information is incorrect and the ~~voter~~
12 **elector** has not moved to another city or township and wishes to
13 remain registered to vote, the ~~voter~~**elector** should complete and
14 return the card to the clerk with a postmark of 30 days or more
15 before the date of the next election. If the card is not completed
16 and returned with a postmark of 30 days or more before the date of
17 the next election, the ~~voter~~**elector** may be required to affirm ~~his~~
18 ~~or her~~**the elector's** current address before being permitted to
19 vote. Further, if the ~~voter~~**elector** does not vote in an election
20 within the period beginning on the date of the notice and ending on
21 the first business day immediately following the second November
22 general election that is held after the date on the notice, the
23 registration of the ~~voter~~**elector** will be canceled and ~~his or her~~
24 **the elector's** name will be removed from the registration record of
25 that city or township.

26 (ii) If the ~~voter~~**elector** has moved ~~his or her~~**the elector's**
27 residence to another city or township, information on how the ~~voter~~
28 **elector** can become registered to vote at the next election in ~~his~~
29 ~~or her~~**the elector's** new city or township.

1 (4) If a notice sent under subsection (2) or (3) is returned
 2 to the clerk by the post office as undeliverable, the clerk shall
 3 identify the registration record of ~~a voter~~**an elector** as
 4 challenged as provided in this act. The clerk shall instruct the
 5 board of election inspectors to challenge that ~~voter~~**elector** at the
 6 first election at which the ~~voter~~**elector** appears to vote. If in
 7 response to the challenge the ~~voter~~**elector** indicates that ~~he or~~
 8 ~~she~~**the elector** resides at the registration address or has changed
 9 addresses within the city or township, the ~~voter shall~~**elector must**
 10 be permitted to vote a regular ballot rather than a challenged
 11 ballot. The ~~voter~~**elector** shall complete a change of address form
 12 at the polling place, if applicable. If the ~~person~~**elector** does not
 13 appear to vote in an election within the period beginning on the
 14 date of the notice and ending on the first business day immediately
 15 following the second November general election that is held after
 16 the date of the notice, the clerk shall cancel the registration of
 17 the ~~voter~~**elector** and remove ~~his or her~~**the elector's** name from the
 18 registration record of the city or township.

19 (5) If the department of state receives notice that a
 20 registered ~~voter~~**elector** has moved out of state by receiving a
 21 surrendered Michigan driver license of that registered ~~voter,~~
 22 **elector**, the secretary of state shall send by forwardable mail all
 23 of the following to the ~~voter:~~**elector:**

24 (a) A notice that the secretary of state has received
 25 information indicating that the ~~voter~~**elector** has moved ~~his or her~~
 26 **the elector's** residence to another state.

27 (b) A postage prepaid and preaddressed return card on which
 28 the ~~voter~~**elector** may verify or correct the address information.

29 (c) A notice providing that if the address information is

1 incorrect and the ~~voter~~**elector** has not moved to another state and
 2 wishes to remain registered to vote, the ~~voter~~**elector** should
 3 complete and return the card to the secretary of state with a
 4 postmark of 30 days or more before the date of the next election.
 5 If the card is not completed and returned with a postmark of 30
 6 days or more before the date of the next election, the ~~voter~~
 7 **elector** may be required to affirm ~~his or her~~**the elector's** current
 8 address before being permitted to vote. Further, if the ~~voter~~
 9 **elector** does not vote in an election within the period beginning on
 10 the date of the notice and ending on the first business day
 11 immediately following the second November general election that is
 12 held after the date on the notice, the registration of the ~~voter~~
 13 **elector** will be canceled and ~~his or her~~**the elector's** name will be
 14 removed from the qualified voter file.

15 **(6) A notice sent to an elector under subsection (2), (3), or**
 16 **(5) must include a warning to the elector that any prior absent**
 17 **voter ballot application submitted by the elector for all future**
 18 **elections is rescinded and the elector will not be sent an absent**
 19 **voter ballot for any future elections unless the elector submits a**
 20 **new absent voter ballot application.**

21 **Sec. 759e. (1) Each city and township clerk shall determine**
 22 **who that clerk's permanent mail ballot voters are and shall**
 23 **maintain and track those permanent mail ballot voters through the**
 24 **qualified voter file. Any registered elector may become a permanent**
 25 **mail ballot voter. A permanent mail ballot voter must be issued an**
 26 **absent voter ballot for every election. Each city and township**
 27 **clerk shall also issue an absent voter ballot application to any**
 28 **elector who requests an absent voter ballot application.**

29 **(2) Once an elector's absent voter ballot application for all**

1 future elections has been verified, the elector becomes a permanent
2 mail ballot voter and the elector must be sent an absent voter
3 ballot before each election unless the application is rescinded.

4 (3) An absent voter ballot application for all future
5 elections can be rescinded only for any of the following reasons:

6 (a) The permanent mail ballot voter submits a signed request
7 to rescind the voter's application to receive an absent voter
8 ballot by mail for all future elections.

9 (b) The permanent mail ballot voter is no longer qualified to
10 vote in this state.

11 (c) The secretary of state or the appropriate city or township
12 clerk receives reliable information that the permanent mail ballot
13 voter has moved the voter's residence to another state, or has
14 moved the voter's residence within this state without updating the
15 voter's registration address.

16 (d) The permanent mail ballot voter does not vote for 6
17 consecutive years.

18 (4) The secretary of state or the appropriate city or township
19 clerk shall rescind the absent voter ballot application for all
20 future elections for a permanent mail ballot voter if the secretary
21 of state or the appropriate city or township clerk receives
22 reliable information that the permanent mail ballot voter meets 1
23 or more of the reasons described in subsection (3).

24 (5) If an absent voter ballot application for all future
25 elections is rescinded under subsection (3) (d), the city or
26 township clerk shall send the elector a notice informing the
27 elector that the elector's absent voter ballot application for all
28 future elections has been rescinded because the elector did not
29 vote for 6 consecutive years.

1 (6) A permanent mail ballot voter who changes the voter's
2 residence in this state and updates the voter's registration
3 address, or who has the voter's registration address updated,
4 continues to be a permanent mail ballot voter and the voter's
5 absent voter ballot must be sent to the voter's current
6 registration address until another address is designated by the
7 permanent mail ballot voter.

8 Sec. 759f. (1) The secretary of state shall prescribe the
9 presidential primary ballot selection form. The presidential
10 primary ballot selection form must be available in person, by mail,
11 and online, and must be able to be submitted to the clerk of the
12 city or township in which the permanent mail ballot voter resides,
13 in person, by mail, or online.

14 (2) No later than 60 days before a presidential primary
15 election, each city or township clerk shall send a presidential
16 primary ballot selection form, with prepaid return postage, to all
17 permanent mail ballot voters in the city or township who have not
18 made a presidential primary ballot selection for the presidential
19 primary election. If a permanent mail ballot voter does not return
20 a presidential primary ballot selection form by the fortieth day
21 before a presidential **primary** election, the city or township clerk
22 shall notify that permanent mail ballot voter by telephone, email,
23 and text message, if available, of the requirement to make a
24 political party ballot selection in order to receive a presidential
25 primary election ballot. If the city or township clerk does not
26 have the telephone number or email address of the permanent mail
27 ballot voter, the city or township clerk must notify the permanent
28 mail ballot voter by United States mail, and may also notify the
29 permanent mail ballot voter by any other available method of

1 contact.

2 (3) If an elector becomes a permanent mail ballot voter in a
3 city or township after the clerk sends the presidential primary
4 ballot selection forms as required under subsection (2), and the
5 elector has not made a presidential primary ballot selection for
6 the presidential primary election, the clerk of the city or
7 township must immediately send the voter a presidential primary
8 ballot selection form, with prepaid return postage.

9 (4) If the presidential primary election ballot contains any
10 office or proposal other than for the office of President of the
11 United States, a ballot with those other offices or proposals that
12 does not include the office of President of the United States must
13 be sent to those permanent mail ballot voters who have not made a
14 presidential primary ballot selection for the presidential primary
15 election. In addition, a ballot sent under this subsection must
16 include a notice on a form as prescribed by the secretary of state
17 that indicates both of the following:

18 (a) The permanent mail ballot voter did not receive a
19 presidential primary election ballot because the permanent mail
20 ballot voter did not make a presidential primary ballot selection.

21 (b) The process by which the permanent mail ballot voter can
22 participate in the presidential primary election.

23 (5) A presidential primary ballot selection form sent under
24 this section must be sent to the address designated by the
25 permanent mail ballot voter to which the voter's absent voter
26 ballot is sent.

27 Sec. 759g. The secretary of state shall provide instructions
28 to county, city, and township clerks regarding the discontinuation
29 of any permanent absent voter ballot application list maintained by

1 a county, city, or township clerk for electors who automatically
2 receive an absent voter ballot application before each election.

3 Sec. 811. All election returns, including poll lists,
4 statements, tally sheets, absent voters' return envelopes bearing
5 the statement required by section 761, absent voters' records
6 required by section 760, and other returns made by the **election**
7 ~~inspectors of election~~ of the several precincts must be carefully
8 preserved and may be destroyed after the expiration of ~~2 years~~**22**
9 **months** following the primary or election at which the same were
10 used. All applications executed under section 523, all voter
11 registration applications executed by applicants under section
12 497(3) and (4), and all absent voters' applications must be
13 carefully preserved and may be destroyed after the expiration of 6
14 years following the primary or election at which those applications
15 were executed. All ballots used at any primary or election, **other**
16 **than ballots containing a federal office**, may be destroyed after 30
17 days following the final determination of the board of canvassers
18 with respect to the primary or election unless a petition for
19 recount has been filed and not completed or unless ~~their~~**the**
20 **destruction of the ballots** is stayed by an order of a court. **All**
21 **ballots containing a federal office, and all presidential primary**
22 **ballot selection forms, may be destroyed after the expiration of 22**
23 **months following the primary or election at which those ballots**
24 **were cast or forms were used.**