

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 259

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 759a and 764a (MCL 168.759a and 168.764a),  
section 759a as amended by 2022 PA 197 and section 764a as amended  
by 2020 PA 177.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 759a. (1) An absent uniformed services voter or an  
2 overseas voter who is not registered, but possessed the  
3 qualifications of an elector under section 492, may apply for  
4 registration by using the federal postcard application. The  
5 department of state, bureau of elections, is responsible for  
6 disseminating information on the procedures for registering and  
7 voting to an absent uniformed services voter and an overseas voter.

1           (2) Upon the request of an absent uniformed services voter or  
2 an overseas voter, the clerk of a county, city, or township shall  
3 electronically transmit a blank voter registration application or  
4 blank absent voter ballot application to the voter. The clerk of a  
5 county, city, or township shall accept a completed voter  
6 registration application or completed absent voter ballot  
7 application electronically transmitted by an absent uniformed  
8 services voter or overseas voter. A voter registration application  
9 or absent voter ballot application submitted by an absent uniformed  
10 services voter or overseas voter must contain the signature of the  
11 voter.

12           (3) A spouse or dependent of an overseas voter who is a  
13 citizen of the United States, is accompanying that overseas voter,  
14 and is not a qualified and registered elector anywhere else in the  
15 United States, may apply for an absent voter ballot even though the  
16 spouse or dependent is not a qualified elector of a city or  
17 township of this state.

18           (4) An absent uniformed services voter or an overseas voter,  
19 whether or not registered to vote, may apply for an absent voter  
20 ballot. Upon receipt of an application for an absent voter ballot  
21 under this section that complies with this act, a county, city, or  
22 township clerk shall forward to the applicant the absent voter  
23 ballots requested, the forms necessary for registration, and  
24 instructions for completing the forms. If the ballots are not yet  
25 available at the time of receipt of the application, the clerk  
26 shall immediately forward to the applicant the registration forms  
27 and instructions, and forward the ballots as soon as they are  
28 available. If a federal postcard application or an application from  
29 the official United States Department of Defense website is filed,

1 the clerk shall accept the federal postcard application or the  
2 application from the official United States Department of Defense  
3 website as the registration application and shall not send any  
4 additional registration forms to the applicant. ~~If~~**Subject to**  
5 **subsection (18), if** the ballots and registration forms are received  
6 before the close of the polls on election day and if the  
7 registration complies with the requirements of this act, the absent  
8 voter ballots must be delivered to the proper election board to be  
9 tabulated. If the registration does not comply with the  
10 requirements of this act, the clerk shall retain the absent voter  
11 ballots until the expiration of the time that the voted ballots  
12 must be kept and shall then destroy the ballots without opening the  
13 envelope. The clerk may retain registration forms completed under  
14 this section in a separate file. The address in this state shown on  
15 a registration form is the residence of the registrant.

16 (5) Not later than 45 days before an election, a county, city,  
17 or township clerk shall electronically transmit or mail as  
18 appropriate an absent voter ballot to each absent uniformed  
19 services voter or overseas voter who applied for an absent voter  
20 ballot 45 days or more before the election.

21 (6) Upon the request of an absent uniformed services voter or  
22 overseas voter, the clerk of a county, city, or township shall  
23 electronically transmit an absent voter ballot to the voter. Except  
24 as otherwise provided in this subsection, the voter shall print the  
25 absent voter ballot and return the voted ballot by mail to the  
26 appropriate clerk. Subject to subsection (17), beginning January 1,  
27 2024, a member of a uniformed service on active duty, by reason of  
28 being on active duty, or a member of the merchant marine, by reason  
29 of service in the merchant marine, who is absent from the United

1 States and does not expect to return to the residence where the  
2 member is otherwise qualified to vote before an election may  
3 electronically return a voted ballot to the appropriate city or  
4 township clerk to be counted under the rules promulgated by the  
5 secretary of state as set forth in subsection (17).

6 (7) The secretary of state shall prescribe electronic absent  
7 voter ballot formats and electronic absent voter ballot  
8 transmission methods. Each county, city, or township clerk shall  
9 employ the prescribed electronic ballot formats to fulfill an  
10 absent voter ballot request received from an absent uniformed  
11 services voter or overseas voter who wishes to receive an absent  
12 voter ballot through an electronic transmission. The secretary of  
13 state shall establish procedures to implement the requirements in  
14 this section and for the processing of a marked absent voter ballot  
15 returned by an absent uniformed services voter or overseas voter  
16 who obtained an absent voter ballot through an electronic  
17 transmission.

18 (8) The secretary of state shall modify the printed statement  
19 provided under section 761(4) and the absent voter ballot  
20 instructions provided under section 764a as appropriate to  
21 accommodate the procedures developed for electronically  
22 transmitting an absent voter ballot to an absent uniformed services  
23 voter or overseas voter. A statement must be included in the  
24 certificate signed by the absent voter who obtained an absent voter  
25 ballot through an electronic transmission that the secrecy of the  
26 absent voter ballot may be compromised during the duplication  
27 process. The absent voter ballot instructions provided to an absent  
28 uniformed services voter or overseas voter must include the proper  
29 procedures for returning the absent voter ballot to the appropriate

1 clerk.

2 (9) The size of a precinct must not be determined by  
3 registration forms completed under this section.

4 (10) An absent uniformed services voter or an overseas voter  
5 who submits an absent voter ballot application is eligible to vote  
6 as an absent voter in any local, state, or federal election  
7 occurring in the calendar year in which the election is held for  
8 that ballot requested if the absent voter ballot application is  
9 received by the county, city, or township clerk not later than 2  
10 p.m. of the Saturday before the election. A village clerk receiving  
11 an absent voter ballot application from an absent uniformed  
12 services voter or overseas voter shall transmit to the township  
13 clerk and the school district election coordinators, where  
14 applicable, the necessary information to enable the city or  
15 township clerk and school district election coordinators to forward  
16 an absent voter ballot for each applicable election in that  
17 calendar year to the absent voter. If the local elections official  
18 rejects a voter registration application or absent voter ballot  
19 application submitted by an absent uniformed services voter or  
20 overseas voter, the election official shall notify the voter of the  
21 rejection.

22 (11) An email address provided by an absent uniformed services  
23 voter or overseas voter for the purposes of this section is  
24 confidential and exempt from disclosure under the freedom of  
25 information act, 1976 PA 442, MCL 15.231 to 15.246.

26 (12) Under the uniformed and overseas citizens absentee voting  
27 act, the state director of elections shall approve a ballot form  
28 and registration procedures for absent uniformed services voters  
29 and overseas voters.

1           (13) An absent uniformed services voter or an overseas voter  
2 may use the federal write-in absentee ballot, in accordance with  
3 the provisions of the uniformed and overseas citizens absentee  
4 voting act, at a regular election or special election to vote for a  
5 local, state, or federal office or on a ballot question. Except as  
6 otherwise provided in this subsection, an absent uniformed services  
7 voter or an overseas voter who uses the federal write-in absentee  
8 ballot shall return the voter's voted federal write-in absentee  
9 ballot by mail to the appropriate clerk. Subject to subsection  
10 (17), beginning January 1, 2024, a member of a uniformed service on  
11 active duty, by reason of being on active duty, or a member of the  
12 merchant marine, by reason of service in the merchant marine, who  
13 is absent from the United States and does not expect to return to  
14 the residence where the member is otherwise qualified to vote  
15 before an election may electronically return a voted ballot to the  
16 appropriate city or township clerk to be counted under the rules  
17 promulgated by the secretary of state as set forth in subsection  
18 (17). The state bureau of elections shall do both of the following:

19           (a) Make the ballot format for each election available to  
20 absent uniformed services voters and overseas voters by email or on  
21 an internet website maintained by the department of state.

22           (b) Make the ballot information, including the offices, names  
23 of candidates, and ballot proposals, for each election available to  
24 absent uniformed services voters and overseas voters on an internet  
25 website maintained by the department of state.

26           (14) The clerk of a city or township shall submit to the  
27 county clerk of the county in which that city or township is  
28 located a written statement no later than 45 days before each  
29 election indicating whether absent voter ballots were issued to

1 absent uniformed services voters or overseas voters in compliance  
2 with this section and the uniformed and overseas citizens absentee  
3 voting act. The city or township clerk shall provide to the county  
4 clerk a written explanation describing remedial actions taken by  
5 the city or township clerk if the city or township clerk fails to  
6 comply with this section and the uniformed and overseas citizens  
7 absentee voting act. Not later than 42 days before each election,  
8 each county clerk shall submit to the state bureau of elections a  
9 written report compiled from the written statements submitted by  
10 the city and township clerks. The written report must identify the  
11 cities and townships that complied with the 45-day deadline under  
12 this subsection, the cities and townships that did not comply with  
13 the 45-day deadline under this subsection, but provided a written  
14 explanation, and those cities and townships that did not comply  
15 with the 45-day deadline under this subsection and that did not  
16 provide a written explanation. The state bureau of elections may  
17 require the clerk of a city or township that did not comply with  
18 the 45-day deadline under this subsection, but provided a written  
19 explanation, to provide additional information. The state bureau of  
20 elections shall require the clerk of a city or township that did  
21 not comply with the 45-day deadline and that did not provide a  
22 written explanation to file a written explanation, describing the  
23 remedial actions taken by the city or township clerk, within 1  
24 business day after the state bureau of elections notifies the clerk  
25 of that city or township.

26 (15) For a presidential primary election, the secretary of  
27 state shall prescribe procedures for contacting an elector who is  
28 an absent uniformed services voter or an overseas voter, as  
29 described in this section, and who is eligible to receive an absent

1 voter ballot or who applies for an absent voter ballot for the  
2 presidential primary election, offering the elector the opportunity  
3 to select a political party ballot for the presidential primary  
4 election.

5 (16) The secretary of state shall order a city or township  
6 clerk to extend the ballot receipt deadline for any ~~absentee~~**absent**  
7 voter ballots under this section that were not transmitted to an  
8 absent uniformed services voter or overseas voter in compliance  
9 with subsection (5). The extension must equal the total number of  
10 days beyond the deadline as provided in subsection (5) that the  
11 city or township clerk transmitted the requested ~~absentee~~**absent**  
12 voter ballots. These ~~absentee~~**absent** voter ballots received during  
13 the extension time must be counted and tabulated for the final  
14 results of the election provided that the ~~absentee~~**absent** voter  
15 ballots are executed and sent by the close of the polls on election  
16 day. The election may be formally certified before the end of the  
17 extension time if the number of outstanding ~~absentee~~**absent** voter  
18 ballots under this subsection will not alter the outcome of the  
19 election.

20 (17) The secretary of state shall promulgate rules that  
21 establish policies and procedures for the electronic return of  
22 voted ballots by eligible members. In promulgating rules that  
23 establish the policies and procedures for the electronic return of  
24 voted ballots by eligible members, the secretary of state shall  
25 require an eligible member to use a United States Department of  
26 Defense verified electronic signature, as that term is defined in  
27 section 18a, so that the identity of the eligible member can be  
28 verified utilizing those policies and procedures. A member who is  
29 unable or unwilling to provide a United States Department of



1 Defense verified electronic signature is not eligible to  
2 electronically return a voted ballot. The secretary of state shall  
3 take reasonable steps to ensure the integrity and secrecy of voted  
4 ballots returned electronically. The secretary of state may develop  
5 and maintain a secure web portal on the secretary of state's  
6 website to facilitate the electronic return of voted ballots by  
7 eligible members. Only the secretary of state or the secretary of  
8 state's duly authorized agent, a city or township clerk, the  
9 clerk's deputy clerk, or a sworn member of the clerk's staff is  
10 authorized to access the secure web portal on the secretary of  
11 state's website. No later than January 1, 2024, the secretary of  
12 state shall promulgate rules pursuant to the administrative  
13 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to  
14 implement this subsection, and the secretary of state must allow  
15 for the electronic return of voted ballots by eligible members  
16 starting no later than the 2024 statewide presidential primary  
17 election. As used in this subsection, "eligible member" means a  
18 member of a uniformed service on active duty or a member of the  
19 merchant marine, as described in subsection (6) or (13).

20 **(18) If the absent voter ballot return envelope containing a**  
21 **marked absent voter ballot for an absent uniformed services voter**  
22 **or overseas voter is postmarked on or before election day and the**  
23 **absent voter ballot is received by mail by the city or township**  
24 **clerk within 6 days after the election, the city or township clerk**  
25 **shall consider that absent voter ballot timely received. If the**  
26 **absent voter ballot return envelope containing a marked absent**  
27 **voter ballot for an absent uniformed services voter or overseas**  
28 **voter is received by mail by the city or township clerk within 6**  
29 **days after the election and the postmark on the absent voter ballot**

1 return envelope is missing or unclear, the city or township clerk  
2 shall deliver that absent voter ballot return envelope to the clerk  
3 of the county in which the city or township is located as provided  
4 in this subsection and that county clerk shall determine whether  
5 that absent voter ballot was timely received. Not later than the  
6 seventh day after election day, each city or township clerk shall,  
7 without opening the absent voter ballot return envelopes, deliver  
8 the absent voter ballots received within 6 days after the election  
9 as provided under this subsection to the clerk of the county in  
10 which the city or township is located. If the postmark on the  
11 absent voter ballot return envelope is missing or unclear, and if  
12 the county clerk determines that the absent voter ballot return  
13 envelope or the voter certificate inside the absent voter ballot  
14 return envelope is dated on or before election day by the absent  
15 uniformed services voter or overseas voter, the county clerk shall  
16 consider that absent voter ballot as timely received. The absent  
17 voter ballots considered timely received as provided under this  
18 subsection shall be tabulated by the county clerk in a meeting of  
19 the board of county canvassers. As used in this subsection,  
20 "postmark" means any type of mark applied by the United States  
21 Postal Service or any delivery service to the absent voter ballot  
22 return envelope, including, but not limited to, a bar code or any  
23 tracking marks that indicate when a ballot was mailed.

24 (19) ~~(18)~~—As used in this section:

25 (a) "Absent uniformed services voter" means any of the  
26 following:

27 (i) A member of a uniformed service on active duty who, by  
28 reason of being on active duty, is absent from the place of  
29 residence where the member is otherwise qualified to vote.

1           (ii) A member of the merchant marine who, by reason of service  
2 in the merchant marine, is absent from the place of residence where  
3 the member is otherwise qualified to vote.

4           (iii) A spouse or dependent of a member referred to in  
5 subparagraph (i) or (ii) who, by reason of the active duty or service  
6 of the member, is absent from the place of residence where the  
7 spouse or dependent is otherwise qualified to vote.

8           (b) "Member of the merchant marine" means an individual, other  
9 than a member of a uniformed service or an individual employed,  
10 enrolled, or maintained on the Great Lakes or the inland waterways,  
11 who is either of the following:

12           (i) Employed as an officer or crew member of a vessel  
13 documented under the laws of the United States, a vessel owned by  
14 the United States, or a vessel of foreign-flag registry under  
15 charter to or control of the United States.

16           (ii) Enrolled with the United States for employment or training  
17 for employment, or maintained by the United States for emergency  
18 relief service, as an officer or crew member of a vessel documented  
19 under the laws of the United States, a vessel owned by the United  
20 States, or a vessel of foreign-flag registry under charter to or  
21 control of the United States.

22           (c) "Overseas voter" means any of the following:

23           (i) An absent uniformed services voter who, by reason of active  
24 duty or service, is absent from the United States on the date of an  
25 election.

26           (ii) An individual who resides outside of the United States and  
27 is qualified to vote in the last place in which the individual was  
28 domiciled before leaving the United States.

29           (iii) An individual who resides outside of the United States and

1 who, but for such residence outside of the United States, would be  
 2 qualified to vote in the last place in which the individual was  
 3 domiciled before leaving the United States.

4 (d) "Uniformed services" means the Army, Navy, Air Force,  
 5 Marine Corps, Space Force, or Coast Guard, the Commissioned Corps  
 6 of the Public Health Service, the Commissioned Corps of the  
 7 National Oceanic and Atmospheric Administration, a reserve  
 8 component of a uniformed service, or the Michigan National Guard as  
 9 that term is defined in section 105 of the Michigan military act,  
 10 1967 PA 150, MCL 32.505.

11 Sec. 764a. **(1) ~~The~~ Subject to subsection (2), the** following  
 12 instructions for an absent voter must be included with each ballot  
 13 or set of ballots furnished an absent voter:

14 INSTRUCTIONS FOR ABSENT VOTERS

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

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

20 Step 3. Place the ballot or ballots in the return envelope and  
 21 securely seal the envelope.

22 Step 4. Sign and date the return envelope in the place  
 23 designated. Your signature must appear on the return envelope or  
 24 the ballot will not be counted. If you are disabled or otherwise  
 25 unable to mark the ballot and required assistance in voting your  
 26 absent voter ballot, have the individual who assisted you complete  
 27 the section on the return envelope entitled "TO BE COMPLETED ONLY  
 28 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

29 Step 5. Deliver the return envelope by 1 of the following

1 methods:

2 (a) Place the necessary postage upon the return envelope and  
3 deposit it in the United States mail or with another public postal  
4 service, express mail service, parcel post service, or common  
5 carrier.

6 (b) Deliver the envelope personally to the office of the  
7 clerk, to the clerk, or to an authorized assistant of the clerk, or  
8 to a secure drop box located in the city or township.

9 (c) In either (a) or (b), a member of the immediate family of  
10 the voter including a father-in-law, mother-in-law, brother-in-law,  
11 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
12 grandchild or an individual residing in the voter's household may  
13 mail or deliver a ballot to the clerk for the voter.

14 (d) You may request by telephone that the clerk who issued the  
15 ballot provide assistance in returning the ballot. The clerk is  
16 required to provide assistance if you are unable to return your  
17 absent voter ballot as specified in (a), (b), or (c) above, if it  
18 is before 5 p.m. on the Friday immediately preceding the election,  
19 and if you are asking the clerk to pick up the absent voter ballot  
20 within the jurisdictional limits of the city, township, or village  
21 in which you are registered. Your absent voter ballot will then be  
22 picked up by the clerk or an election assistant sent by the clerk.  
23 All individuals authorized to pick up absent voter ballots are  
24 required to carry credentials issued by the clerk. If using this  
25 absent voter ballot return method, do not give your ballot to  
26 anyone until you have checked their credentials.

27 Step 6. The ballot must reach the clerk or an authorized  
28 assistant of the clerk before the close of the polls on election  
29 day. An absent voter ballot received by the clerk or assistant of

1 the clerk after the close of the polls on election day will not be  
2 counted.

3 WARNING

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

6 (1) To vote an absent voter ballot at a meeting or gathering  
7 at which other individuals are voting absent voter ballots.

8 (2) For an individual who is assisting an absent voter in  
9 marking the ballot to suggest or in any manner attempt to influence  
10 the absent voter on how he or she should vote.

11 (3) For an individual who is present and knows that an  
12 individual is voting an absent voter ballot to suggest or in any  
13 manner attempt to influence the absent voter on how he or she  
14 should vote.

15 (4) For an individual other than those listed in these  
16 instructions to return, offer to return, agree to return, or  
17 solicit to return an absent voter ballot to the clerk.

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

25 **(2) The following instruction must be included with the**  
26 **instructions as provided in subsection (1) for each absent voter**  
27 **ballot furnished to an absent uniformed services voter or overseas**  
28 **voter:**

29 **"For an absent uniformed services voter or overseas voter, the**

1 absent voter ballot return envelope containing a marked absent  
2 voter ballot must be postmarked on or before election day and must  
3 reach the clerk or authorized assistant of the clerk within 6 days  
4 after the election. If the absent voter ballot return envelope  
5 containing an absent voter ballot for an absent uniformed services  
6 voter or overseas voter is received by mail by the clerk or  
7 authorized assistant of the clerk more than 6 days after the  
8 election or is postmarked after election day, the absent voter  
9 ballot will not be counted."