

SENATE BILL NO. 369

June 06, 2023, Introduced by Senators SINGH, MOSS, BRINKS, WOJNO, CAVANAGH, HERTEL, CHANG, GEISS, POLEHANKI, IRWIN, MCCANN, CAMILLERI, CHERRY, SHINK, MCDONALD RIVET and MCMORROW and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 499, 509aa, and 811 (MCL 168.499, 168.509aa, and 168.811), section 499 as amended by 2004 PA 92, 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:

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

5 (b) "Presidential primary ballot selection form" means a form,
6 as prescribed by the secretary of state, that a permanent mail
7 ballot voter can use to select, or use to change a prior selection
8 of, the political party ballot that the permanent mail ballot voter
9 wishes to receive for a presidential primary election.

10 Sec. 499. (1) An elector entitled to registration in an
11 election precinct may become registered in the precinct by applying
12 in person and signing the registration application before the clerk
13 or assistant clerk of the township, city, or village in which the
14 precinct is located. For the performance of ~~his or her~~ **the clerk's**
15 duties under this act, each clerk and assistant clerk has the power
16 to administer oaths and to swear ~~persons~~ **individuals** as to the
17 truth of statements contained in an application. For a better
18 examination of the applicant, a clerk may employ and swear an
19 interpreter to interpret all questions put to applicants and the
20 answers to those questions. If the applicant, in answer to a
21 question or in the registration application, makes a material
22 statement that is false, the applicant is guilty of a misdemeanor.

23 (2) A clerk or assistant clerk shall not accept a fee from an
24 elector applying for registration, either for the registering of
25 the elector or for the taking of the acknowledgment on the
26 application. ~~A person~~ **An individual** who violates this subsection is
27 guilty of a misdemeanor.

28 (3) The clerk, immediately after receiving the registration or
29 change of address of an elector, shall prepare a voter

1 identification card for the elector. The clerk shall also prepare
 2 and send a corrected voter identification card to an elector
 3 affected by a change in United States ~~representative,~~
 4 **Representative**, state senatorial, state representative, or county
 5 commissioner district or precinct. The clerk shall forward by
 6 first-class mail the voter identification card to the elector at
 7 the elector's registration address. The voter identification card
 8 ~~shall~~**must** contain the name and address of the registrant and the
 9 United States ~~representative,~~**Representative**, state senatorial,
 10 state representative, or county commissioner district and precinct
 11 in which the registrant is an elector. If the original voter
 12 identification card is returned to the clerk by the post office as
 13 nondeliverable, the clerk shall reject the registration and send
 14 the individual a notice of rejection. If a duplicate voter
 15 identification card is returned to the clerk by the post office,
 16 the clerk shall accept this as information that the elector has
 17 moved and the clerk shall proceed in conformity with section 509aa.

18 **(4) A voter registration card sent to a permanent mail ballot**
 19 **voter must specify the address at which future absent voter ballots**
 20 **will be sent to that permanent mail ballot voter.**

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

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

1 (a) A notice that the clerk has received information
2 indicating that the ~~voter-elect~~**or** has moved ~~his or her~~**the**
3 **elector's** residence within the city or township.

4 (b) A postage prepaid and preaddressed return card on which
5 the ~~voter-elect~~**or** may verify or correct the address information.

6 (c) A notice explaining that, if the address information is
7 correct and the ~~voter-elect~~**or** has moved ~~his or her~~**the elector's**
8 residence within the city or township, the ~~voter-elect~~**or** should
9 complete and return the card to the clerk with a postmark of 30
10 days or more before the date of the next election. If the ~~voter~~
11 **elector** has moved ~~his or her~~**the elector's** residence within the
12 city or township and does not complete and return the card to the
13 clerk with a postmark of 30 days or more before the date of the
14 next election, the ~~voter-elect~~**or** will be required to vote in ~~his or~~
15 ~~her~~**the elector's** former precinct of residence in the city or
16 township. The ~~voter-elect~~**or** will also be required to submit an
17 address correction before being permitted to vote.

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

22 (a) A notice that the clerk has received information
23 indicating that the ~~voter-elect~~**or** has moved ~~his or her~~**the**
24 **elector's** residence to another city or township.

25 (b) A postage prepaid and preaddressed return card on which
26 the ~~voter-elect~~**or** may verify or correct the address information.

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

28 (i) If the address information is incorrect and the ~~voter~~
29 **elector** has not moved to another city or township and wishes to

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

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

18 (4) If a notice sent under subsection (2) or (3) is returned
 19 to the clerk by the post office as undeliverable, the clerk shall
 20 identify the registration record of a ~~voter~~**an elector** as
 21 challenged as provided in this act. The clerk shall instruct the
 22 board of election inspectors to challenge that ~~voter~~**elector** at the
 23 first election at which the ~~voter~~**elector** appears to vote. If in
 24 response to the challenge the ~~voter~~**elector** indicates that ~~he or~~
 25 ~~she~~**the elector** resides at the registration address or has changed
 26 addresses within the city or township, the ~~voter shall~~**elector must**
 27 be permitted to vote a regular ballot rather than a challenged
 28 ballot. The ~~voter~~**elector** shall complete a change of address form
 29 at the polling place, if applicable. If the ~~person~~**elector** does not

1 appear to vote in an election within the period beginning on the
 2 date of the notice and ending on the first business day immediately
 3 following the second November general election that is held after
 4 the date of the notice, the clerk shall cancel the registration of
 5 the ~~voter~~**elector** and remove ~~his or her~~**the elector's** name from the
 6 registration record of the city or township.

7 (5) If the department of state receives notice that a
 8 registered ~~voter~~**elector** has moved out of state by receiving a
 9 surrendered Michigan driver license of that registered ~~voter~~**,**
 10 **elector**, the secretary of state shall send by forwardable mail all
 11 of the following to the ~~voter~~**:elector**:

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

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

17 (c) A notice providing that if the address information is
 18 incorrect and the ~~voter~~**elector** has not moved to another state and
 19 wishes to remain registered to vote, the ~~voter~~**elector** should
 20 complete and return the card to the secretary of state with a
 21 postmark of 30 days or more before the date of the next election.
 22 If the card is not completed and returned with a postmark of 30
 23 days or more before the date of the next election, the ~~voter~~
 24 **elector** may be required to affirm ~~his or her~~**the elector's** current
 25 address before being permitted to vote. Further, if the ~~voter~~
 26 **elector** does not vote in an election within the period beginning on
 27 the date of the notice and ending on the first business day
 28 immediately following the second November general election that is
 29 held after the date on the notice, the registration of the ~~voter~~

1 **elector** will be canceled and ~~his or her~~ **the elector's** name will be
2 removed from the qualified voter file.

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

9 Sec. 759e. (1) Each city and township clerk shall determine
10 who that clerk's permanent mail ballot voters are and shall
11 maintain and track those permanent mail ballot voters through the
12 qualified voter file. Any registered elector may become a permanent
13 mail ballot voter. A permanent mail ballot voter must be issued an
14 absent voter ballot for every election. Each city and township
15 clerk shall also issue an absent voter ballot application to any
16 elector who requests an absent voter ballot application.

17 (2) Once an elector's absent voter ballot application for all
18 future elections has been verified, the elector becomes a permanent
19 mail ballot voter and the elector must be sent an absent voter
20 ballot before each election unless the application is rescinded.

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

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

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

28 (c) The secretary of state or the appropriate city or township
29 clerk receives reliable information that the permanent mail ballot

1 voter has moved the voter's residence to another state, or has
2 moved the voter's residence within this state without updating the
3 voter's registration address.

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

6 (4) If an absent voter ballot application for all future
7 elections is rescinded under subsection (3)(d), the city or
8 township clerk shall send the elector a notice informing the
9 elector that the elector's absent voter ballot application for all
10 future elections has been rescinded because the elector did not
11 vote for 6 consecutive years.

12 (5) A permanent mail ballot voter who changes the voter's
13 residence in this state and updates the voter's registration
14 address, or who has the voter's registration address updated,
15 continues to be a permanent mail ballot voter and the voter's
16 absent voter ballot must be sent to the voter's current
17 registration address until another address is designated by the
18 permanent mail ballot voter.

19 Sec. 759f. (1) The secretary of state shall prescribe the
20 presidential primary ballot selection form. The presidential
21 primary ballot selection form must be available in person, by mail,
22 and online, and must be able to be submitted to the clerk of the
23 city or township in which the permanent mail ballot voter resides,
24 in person, by mail, or online.

25 (2) No later than 60 days before a presidential primary
26 election, each city or township clerk shall send a presidential
27 primary ballot selection form, with prepaid return postage, to all
28 permanent mail ballot voters in the city or township who have not
29 made a presidential primary ballot selection for the presidential

1 primary election.

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.

16 (5) A presidential primary ballot selection form sent under
17 this section must be sent to the address designated by the
18 permanent mail ballot voter to which the voter's absent voter
19 ballot is sent.

20 Sec. 759g. The secretary of state shall provide instructions
21 to county, city, and township clerks regarding the discontinuation
22 of any permanent absent voter ballot application list maintained by
23 a county, city, or township clerk for electors who automatically
24 receive an absent voter ballot application before each election.

25 Sec. 811. All election returns, including poll lists,
26 statements, tally sheets, absent voters' return envelopes bearing
27 the statement required by section 761, absent voters' records
28 required by section 760, and other returns made by the **election**
29 inspectors ~~of election~~ of the several precincts must be carefully

1 preserved and may be destroyed after the expiration of ~~2 years~~**22**
2 **months** following the primary or election at which the same were
3 used. All applications executed under section 523, all voter
4 registration applications executed by applicants under section
5 497(3) and (4), and all absent voters' applications must be
6 carefully preserved and may be destroyed after the expiration of 6
7 years following the primary or election at which those applications
8 were executed. All ballots used at any primary or election, **other**
9 **than ballots containing a federal office**, may be destroyed after 30
10 days following the final determination of the board of canvassers
11 with respect to the primary or election unless a petition for
12 recount has been filed and not completed or unless ~~their~~**the**
13 **destruction of the ballots** is stayed by an order of a court. **All**
14 **ballots containing a federal office, and all presidential primary**
15 **ballot selection forms, may be destroyed after the expiration of 22**
16 **months following the primary or election at which those ballots**
17 **were cast or forms were used.**