

Act No. 86  
Public Acts of 2023  
Approved by the Governor  
July 18, 2023  
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(91st day after final adjournment of the 2023 Regular Session)

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Reps. Byrnes, Tsernoglou, Hope, Hill, Young, Glanville, Rheingans, Wilson, Morgan, Miller, Wegela, Grant, O’Neal, Paiz, MacDonell, Brixie, Hoskins, Koleszar, Price, Weiss, Coffia and Brabec

## **ENROLLED HOUSE BILL No. 4699**

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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:*

Sec. 6. As used in this act:

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

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

Sec. 509aa. (1) A clerk may use change of address information supplied by the United States Postal Service or other reliable information received by the clerk that identifies registered electors whose addresses may have changed as provided in this section.

(2) On receipt of reliable information that a registered elector has moved the elector’s residence within the city or township, the clerk shall send by forwardable mail all of the following to the elector:

(a) A notice that the clerk has received information indicating that the elector has moved the elector’s residence within the city or township.

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

(c) A notice explaining that, if the address information is correct and the elector has moved the elector's residence within the city or township, the elector should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the elector has moved the elector's residence within the city or township and does not complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election, the elector will be required to vote in the elector's former precinct of residence in the city or township. The elector will also be required to submit an address correction before being permitted to vote.

(3) On the receipt of reliable information that a registered elector has moved the elector's residence to another city or township, the clerk shall send by forwardable mail all of the following to the elector:

(a) A notice that the clerk has received information indicating that the elector has moved the elector's residence to another city or township.

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

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

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

(ii) If the elector has moved the elector's residence to another city or township, information on how the elector can become registered to vote at the next election in the elector's new city or township.

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

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

(a) A notice that the secretary of state has received information indicating that the elector has moved the elector's residence to another state.

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

(c) A notice providing that if the address information is incorrect and the elector has not moved to another state and wishes to remain registered to vote, the elector should complete and return the card to the secretary of state with a postmark of 30 days or more before the date of the next election. If the card is not completed and returned with a postmark of 30 days or more before the date of the next election, the elector may be required to affirm the elector's current address before being permitted to vote. Further, if the elector does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the elector will be canceled and the elector's name will be removed from the qualified voter file.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

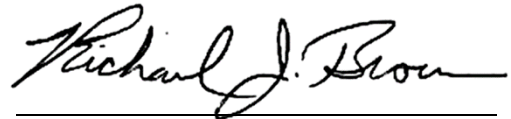
(a) The permanent mail ballot voter did not receive a presidential primary election ballot because the permanent mail ballot voter did not make a presidential primary ballot selection.

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

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

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

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



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor