

## **VI. Michigan's Absentee Voting Process**

### **Eligibility**

A registered voter is eligible to obtain an absentee ballot for an upcoming election if he or she: 1) is 60 years of age or more 2) is unable to vote without assistance 3) expects to be absent from his or her city or township of residence for the entire time the polls are open 4) is in jail awaiting arraignment or trial 5) has been appointed to work as an election inspector in a precinct outside of his or her precinct of residence or 6) is unable to attend the polls due to his or her religious beliefs.

### **Eligibility Restriction**

A person who registers to vote by mail must vote *in person* in the first election in which he or she participates. The restriction does not apply to overseas voters, voters who are handicapped or voters who are 60 years of age or older.

### **Application Process**

A voter who wishes to receive an absentee ballot must request it *in writing* from the clerk; absentee ballots may not be delivered as a result of an oral request made in person or over the phone. However, an absentee ballot *application form* may be provided as a result of an oral request.

The written request may be on a form supplied by the clerk or other election official, in a letter or on a postcard. The written request must include a statutory reason why the voter is eligible to receive an absentee ballot and the applicant's signature.

### **Mass Mailing Absentee Ballot Application Forms to Voters**

Michigan election law does not permit a city or township clerk to mail absentee ballot applications without having received a verbal or written request. While a city or township clerk may mass mail absentee ballot applications to voters in advance of an election, everyone on the mass mail list had to have asked to be placed on the list. When requesting to be placed on the mass mail list, a voter can ask to receive an absentee ballot application for *all* upcoming elections if that is their preference as the law does not limit requests for the application forms to a specific time period.

County clerks have no authority to distribute absentee ballot applications unless the county clerk is acting in the role of school election coordinator. The same standards detailed above for the mass mailing of absentee ballot applications apply to county clerks as they perform their school election coordinator role.

### **Submission of Absent Voter Ballot Applications**

The election official or other authorized personnel appointed by the election official *must be available* in the election official's office or at some other published and or posted location to facilitate the receipt and processing of absent voter ballot requests.

- **“Regular” Request Deadline:** If the ballot must be issued *by mail*, the application for the ballot must reach the election official *no later than 2:00 p.m. on the Saturday prior to the election.*
- **“Late” Request Deadline:** Absent voter ballots can be picked up by the voter *in person* anytime *up to 4:00 p.m. on the day prior to the election.* A voter who visits his or her clerk’s office or school election coordinator’s office on the day prior to the election to obtain an absent voter ballot must vote the ballot in the office; the voter *is not permitted to leave the office with the ballot.*
- **“Emergency” Request Deadline:** An elector may make an “emergency” request for an absentee ballot if he or she cannot attend the polls because of 1) personal disablement or 2) a family death or illness which will require that the elector leave the community for the entire time the polls are open on Election Day. “Emergency” requests for absentee ballots must be made after the deadline for making “regular” requests for absentee ballots (2:00 p.m. on the Saturday before the election) and *before 4:00 p.m. on Election Day.* *The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for “regular” applications.* This means that the emergency must have occurred after 2:00 p.m. on the Saturday before the election.

If an “emergency” absent voter ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be signed by the applicant. An “emergency” absentee ballot may also be delivered by hand to the applicant by a person authorized by the clerk to handle this task.

### **Office Hours on Saturday Preceding Election**

The clerk or other authorized personnel appointed by the clerk must be available in the clerk’s office on the Saturday preceding the election until 2:00 p.m. -- the deadline for requesting an absentee ballot which must be mailed.

### **Restrictions on Possession of Signed Absentee Ballot Applications**

The persons who may be in lawful possession of a *signed* absentee ballot request are limited to 1) the applicant 2) a member of the applicant’s immediate family 3) a person residing in the applicant’s household 4) a person whose job normally includes the handling of mail (but only during the course of his or her employment) 5) a registered elector asked to handle the application by the applicant and 6) an authorized election official.

A registered elector who returns an absentee ballot application at the request of the applicant must sign the following certificate which appears on the application form:

**CERTIFICATE OF AUTHORIZED REGISTERED ELECTOR  
RETURNING ABSENTEE BALLOT APPLICATION**

I certify that my name

is \_\_\_\_\_,

my address is

\_\_\_\_\_,

and my date of birth is \_\_\_\_\_; that I am delivering the  
absentee

ballot application of

\_\_\_\_\_

at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Application Verification Requirement**

Upon the receipt of a completed absentee ballot application, the signature appearing on the application must be checked against the signature on the applicant's voter registration record to verify the applicant's identity.

**Issuance of Absentee Ballots**

A request for an absentee ballot must be processed immediately. It is recommended that the ballot be issued within 24 hours of the receipt of the application. Applications should be processed in the order they are received. This will avoid criticism that certain voters are being given preferential treatment. (While absentee ballots must be issued in the same order in which they are requested, an election official is not prohibited from issuing an absentee ballot to a voter applying in person despite the fact that there may be applications on file which have not yet been honored.)

A voter can receive an absentee ballot at his or her registration address, at any address outside of his or her jurisdiction of residence or at a hospital, nursing home or similar institution. Also, a clerk may mail an absentee ballot, upon the request of the voter, to a post office box if the post office box is where the voter normally receives mail and the voter does not receive mail at his or her registration address. A voter **cannot** receive an absentee ballot at any residential address within his or her city or township of registration other than his or her registration address.

Campaign brochures or any other type of unauthorized materials may *not* be distributed with absentee ballots.

In every case, an absentee ballot must be transmitted to the applicant *by mail* if there is an adequate amount of time for the voter to receive the ballot by mail, vote the ballot and return the ballot prior to 8:00 p.m. on the date of the election. **To avoid any appearance of impropriety, absentee ballots should *not* be delivered by hand unless the hand delivery of the ballot is necessary to ensure the timely return of the ballot.**

### **Absentee Voters Who Receive Assistance**

If the absentee voter receives assistance from another person when voting the ballot, the individual who provided the assistance must sign the certificate shown below. The certificate appears on the outside of the ballot return envelope.

**The certificate must be signed by *any person* who assists an absentee voter mark his or her ballot including the voter's spouse, a household member who lives with the voter, an election official or an individual employed as an election assistant.**

<b>TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON</b>	
I assisted the above named absentee who is disabled or otherwise unable to mark the ballot in accordance with his or her directions. The absentee ballot was inserted in the return envelope without being exhibited to any other person.	
_____ __ Signature of Person Assisting Voter	_____ __ Printed Name of Person Assisting Voter
_____ __ Street Address or R.R.	_____ __ City or Township

### **Return of Absentee Ballots**

Absentee ballots must be returned to the clerk by 8:00 p.m. on election day. On the day of the election, the clerk must make arrangements with the post office to pick up any absentee ballots which are received by the post office after the post office has made its final mail delivery of the day to the clerk's office. (The time of the final check should be coordinated with the post office to ensure that the check is made after the post office receives its last mail delivery of the day.)

The persons who may return an absentee ballot are limited to 1) the voter 2) a member of the voter's immediate family who has been asked to return the ballot 3) a person residing in the voter's household who has been asked to return the ballot 4) a person whose job normally

includes the handling of mail (but only during the course of his or her employment) and 5) an authorized election official.

Given the above restrictions, it is important to note that an absentee voter is *not* permitted to ask another voter who is not a member of the voter's immediate family or household to return his or her absentee ballot.

### **Ballot Pick-up by Election Official**

An election official is *required* to pick up a voter's absentee ballot if *all* of the following conditions are satisfied: 1) the election official issued the ballot to the voter 2) the voter is unable to return the ballot under any of the authorized delivery methods 3) the voter calls to request the pick up of his or her ballot before 5:00 p.m. on the Friday immediately preceding the election and 4) it is not necessary for the election official to travel outside of the jurisdiction to obtain the ballot. Under any other circumstances, an election official (or authorized assistant) may pick up a voter's absentee ballot *at the election official's discretion* if 1) the election official issued the ballot to the voter and 2) the voter is unable to return the ballot under any of the authorized delivery methods.

Election assistants authorized to pick up absentee ballots must carry appropriate credentials and show them when asked.

An election official should not pick up a voter's absentee ballot unless the voter requests the pick up. **In no case should an election official or a person working as an election assistant contact an absentee voter in person or by phone to offer to return the voter's ballot.**

### **Ballot Verification Requirement**

A voter who has obtained an absentee ballot must sign the following certificate which appears on the return envelope prior to returning the ballot to the clerk:

#### **TO BE COMPLETED BY THE ABSENT VOTER**

I assert that I am a qualified and registered elector of the city, township, or village named above. I am voting as an absentee in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person. I further assert that this absentee ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

\_\_\_\_ Date

\_\_\_\_ Signature of Absent Voter

Upon the receipt of a returned absentee ballot, the signature appearing on the above certificate must be checked against the signature on the applicant's voter registration record to verify the applicant's identity.

If the voter fails to sign the certificate, the ballot is void and cannot be removed from the envelope or counted.

### **Deceased or Incarcerated Absentee Voter**

If it comes to the attention of a local election official or a precinct board that a voter who returned an absentee ballot has died or is serving a sentence in jail or prison, the ballot must be rejected. In such an instance, the election official or precinct board writes "rejected as illegal" on the return envelope. Absentee ballots which are "rejected as illegal" cannot be removed from their return envelopes.

### **Emergency Absentee Ballot Requests**

An elector may make an "emergency" request for an absentee ballot if he or she cannot attend the polls because 1) the elector has become disabled or 2) the elector must leave the community for the entire time the polls are open on election day due to a family death or illness.

"Emergency" requests for absentee ballots must be made after the deadline for making "regular" requests for absentee ballots (2:00 p.m. on the Saturday before the election) and before 4:00 p.m. on election day. The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for "regular" applications.

If an "emergency" absentee ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be signed by the applicant. An "emergency" absentee ballot may also be delivered by hand to the applicant by a person authorized to handle this task.

### **Penalties**

Michigan election law provides the following penalties related to Michigan's absentee voting process:

- A person who forges a signature on an absentee ballot application is guilty of a felony. (MCL 168.759(8))
- An unauthorized person who both distributes absentee ballot applications to voters and returns those absentee ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor. (MCL 168.759(8))
- A person who is not involved in the counting of ballots as provided by law who has possession of an absentee ballot which was mailed or delivered to another person is guilty of a felony if he or she 1) opens the envelope containing the ballot 2) makes any marks on the

ballot 3) alters the ballot in any way or 4) substitutes another ballot for the absentee ballot in his or her possession. (MCL 168.932(e))

- A person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absentee ballot applications from voters for delivery to the clerk is guilty of a misdemeanor. (MCL 168.931(1)(b))
- A person who participates in a meeting or a portion of a meeting of more than two persons, other than the person's immediate family, at which an absentee ballot is voted is guilty of misdemeanor. (MCL 168.931(1)(m))
- A person who is present while a voter is voting an absentee ballot who suggests how the voter should vote or attempts to influence the voter on how he or she should vote is guilty of a felony. (MCL 168.932(h))
- A person who assists an absentee voter mark his or her ballot who suggests how the voter should vote or attempts to influence the voter on how he or she should vote is guilty of a felony. (MCL 168.932(g))
- A person who assists an absentee voter mark his or her ballot who permits any other person to suggest how the voter should vote or permits any other person to attempt to influence the voter on how he or she should vote is guilty of a felony. (MCL 168.932(g))
- A person in illegal possession of an absentee ballot (voted or unvoted) is guilty of a felony. (MCL 168.932(f))
- An unauthorized person who returns, solicits to return or agrees to return an absentee ballot is guilty of a felony. (MCL 168.932(f))
- A person who assists an absentee voter who falsifies the statement which must be signed by such assistants is guilty of a felony. (MCL 168.761(5))
- A person who plans or organizes a meeting at which absentee ballots are to be voted is guilty of a felony. (MCL 168.932(i))
- An absentee voter who knowingly makes a false statement on the absentee ballot return envelope is guilty of a misdemeanor. (MCL 168.761(5))

### **Posting Absentee Voting Information**

Michigan election law, MCL 168.765(5), requires all city and township clerks to post the following absentee voting information anytime an election is conducted which involves a state or federal office:

- The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election

Day and 3) the number of absent voter ballots delivered for processing.

- The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.
- A form which can be used to post the information specified above is provided in *Appendix I*.