
Chapter 6 Michigan's Absentee Voting Process

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ELIGIBILITY: Any registered voter is eligible to obtain an absentee ballot for an upcoming election.

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, in a letter or on a postcard. The written request must include the applicant's signature. Applications for absent voter ballots may be received by hand, via postal mail, fax or email, as long as the voter's signature is visible.

Picture ID for In-Person Absent Voter Ballot Application: If a voter applies to receive an absent voter ballot in person at the clerk's office, the voter is required to present a picture ID or sign the *Affidavit of Voter not in Possession of Picture Identification* form. The acceptable ID documents and Affidavit form are the same as those required for in-person voter registration and in-person voting on election day (see list included in Chapter II—Voter Registration and sample form in Appendix I). If a voter does not have ID and signs the Affidavit, that voter's absentee ballot must be processed as a challenged ballot on Election Day. This procedure is only applicable to voters who expect to leave the clerk's office with their ballot in hand. This procedure is not applicable to voters who drop off their application for an absent voter ballot and expect to be mailed their absent voter ballot.

MAINTAINING A PERMANENT ABSENT VOTER APPLICATION LIST: A jurisdiction may choose to maintain a list of voters, who wish to be sent an absent voter ballot application prior to each election. This is commonly referred to as a 'permanent absent voter' list. While a permanent absent voter list is not required, the Bureau of Elections strongly recommends its use for effective management of absent voter ballots. Applications must be issued for each election. Any voter who wishes to be added to the permanent absentee voter list is allowed to do so. Clerks should track their permanent absent voter lists through the Qualified Voter File (QVF). Clerks may not mail absent voter applications without having received a verbal or written request.

NOTE: If a clerk does not maintain a permanent absent voter list and receives a request from a voter to be added to a permanent absent voter list, the clerk must notify the voter that this service is not offered by the clerk and that the voter will need to request an application prior to every election.

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 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 or posted location to facilitate the receipt and processing of absent voter ballot requests as follows:

- **“Regular” Request Deadline:** If the ballot must be issued *by mail*, the application for the ballot must reach the election official *no later than 5:00 p.m. on the Friday prior to the election*.
- **“Late” Request Deadline:** Absent voter ballots can be received by a 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*.
 - New registrants will be eligible to receive an AV ballot even after the close of the 4:00 pm window on the day before the election, but will have to vote the ballot in person in the office.
- **Same Day Voter Registration Request Deadline:** A voter who registers to vote on Election Day by appearing in person at his or her clerk's office is also eligible to obtain an absent voter ballot to vote in person at the clerk's office until 8:00 p.m. on Election Day.
- **“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 (5:00 p.m. on the Friday 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” 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 AND/OR SUNDAY PRECEDING ELECTION: Starting in 2019 and with the passage of Proposal 18-3: the clerk or a deputy clerk of each city or township shall be available in his or her office to issue and receive absent voter ballots for any combination of at least 8 hours on the Saturday or Sunday immediately before election day. The Clerk shall post and enter the these hours in to QVF Clerk Contacts at least 30 days prior to election day.

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:

- the applicant
- a member of the applicant’s immediate family
- a person residing in the applicant’s household
- a person whose job normally includes the handling of mail (but only during the course of his or her employment)
- a registered elector asked to handle the application by the applicant
- an authorized election official.

NOTE: Absent voter ballot applications may be received via email or fax as long as the voter’s signature is on the application and the signature is visible for verification purposes.

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.	
_____	X _____
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.

NOTE: An absent voter application with Power of Attorney (POA) signature in lieu of the voter's signature cannot be accepted. Michigan Election law provides for a voter unable to sign due to physical impairment to make a "mark" or they may use a signature stamp.

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.

Absentee ballots may not be forwarded. Absentee ballot outgoing envelopes should have the postal instruction "Return Service Requested" printed on them.

Campaign brochures or any other type of unauthorized materials may *not* be distributed with absentee ballots. It merits specific emphasis that by law (MCL 168.931a) the name of an elected or appointed official may not appear on any ballot-related materials; "ballot-related material" is defined as anything distributed with an absentee ballot, including the instructions, the envelope in which the absentee ballot is mailed, and the absentee ballot return envelope.

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.**

ANATOMY OF AN ABSENT VOTER BALLOT:

Election officials need to possess an understanding of the contents of an absent voter mailing. The mailing should include the following elements all secured in the outer mailing envelope (examples of each element may be found in *Appendix I* accompanying this manual):

- Ballot instructions appropriate for election being held
- Instructions for Absent Voters (usually printed on the secrecy sleeve)
- Secrecy Sleeve (if required to cover ballot markings)
- Correct Ballot (be mindful of ballot splits caused by different geography such as school districts, villages, county commission districts, etc.)
- Ballot Return Envelope addressed to the local clerk's office including voter signature certification

ABSENTEE VOTERS WHO RECEIVE ASSISTANCE: If an 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.

If someone assists you or helps you mark your ballot, they must sign and identify themselves.

I assisted the voter who is disabled or unable to mark his/her ballot according to his/her directions and without showing it to another person.

Assistant, sign here

Print name

Print full address

A person who assists an absent voter and knowingly makes a false statement is guilty of a felony.

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.) Should a voter or a statutorily approved individual return an absent voter ballot to the precinct on Election Day, precinct inspectors need to redirect the ballot to the clerk for signature verification to determine if the ballot is legal for processing in the precinct or Absent Voter Counting Board.

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 pickup 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 pickup. **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:

I assert that:

- I am a United States citizen.
- I am qualified and registered to vote at the address listed.
- I am voting in conformity with state election law.
- I marked my ballot and placed it in this envelope without showing it to anyone.
- I am returning my ballot to the clerk's office by delivering it myself or a member of my immediate family or household, or sending it by public postal, express mail, or parcel post service, or other common carrier.

I understand that knowingly making a false statement is a misdemeanor.

Voter, sign here in ink. Power of attorney is not acceptable.

This box must be signed or your vote will not be counted.



✕ _____ Date

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 application or QVF to verify the applicant's identity.

NOTE: An absent voter ballot envelope with Power of Attorney (POA) signature in lieu of the voter's signature cannot be accepted. Michigan Election law provides for a voter unable to sign due to physical impairment to make a "mark" or they may use a signature stamp.

If the voter fails to sign the certificate, the ballot is void and cannot be removed from the envelope or counted and the ballot is retained at the local clerk's office. The voter should be contacted to visit the clerk's office to sign their ballot envelope, but the unsigned ballot may not leave the clerk's office for signature. If the voter is unable to appear at the clerk's office to sign their absent voter ballot envelope, the original ballot may be spoiled and the voter may be reissued a replacement ballot. The voter must make a request for a new ballot in writing.

OPTIONS FOR VOTERS WHO WISH TO SPOIL THEIR BALLOT:

There are a number of reasons why a voter may want to spoil a ballot they have already voted and/ or submitted, or to obtain a new ballot if they never received their original . It is important to remember

that voters have the right to do so under most circumstances and that requests for new ballots must **always include the voter's signature and be submitted in writing**. The following chart illustrates these possible scenarios and the voter's options:

Voter never received AV ballot	Voter received AV ballot and requests to spoil it and receive a new one	Voter voted and returned their ballot and requests to spoil it and receive a new one
<ul style="list-style-type: none">• May request a new ballot be mailed until 2pm on the Sat. prior to the election• May request a new ballot in person until 4pm on the Mon. prior to the election• May vote in person on election day by completing <i>Affidavit of Lost or Destroyed Absent Voter Ballot</i>	<ul style="list-style-type: none">• May request a new ballot be mailed until 2pm on the Sat. prior to the election• May request a new ballot in person until 4pm on the Mon. prior to the election• May vote in person on election day by completing <i>Affidavit of Lost or Destroyed Absent Voter Ballot</i> or by surrendering original ballot	<ul style="list-style-type: none">• May request a new ballot be mailed until 2pm on the Sat. prior to the election• May request a new ballot in person until 4pm on the Mon. prior to the election• No option on election day to spoil the ballot that has been received by clerk

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 currently 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 and record the rejection and reason in QVF. Absentee ballots which are “rejected as illegal” cannot be removed from their return envelopes.

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*.

RECORDING AV BALLOT INFORMATION IN QVF REQUIRED: Immediate recording of AV ballots sent and returned into the AV module of the Qualified Voter File is required and provides an easy and efficient way for election officials to print applications and ballot labels, and manage the list of voters sent ballots as required by law. This task also benefits the voter who is able to track the mailing and receipt of their absent voter ballot via www.mi.gov/vote (Michigan Voter Information Center). The same information is also included in the ePollbook download of voter information in the Electronic Poll Book (EPB) on Election Day, alerting election inspectors to not issue another ballot.

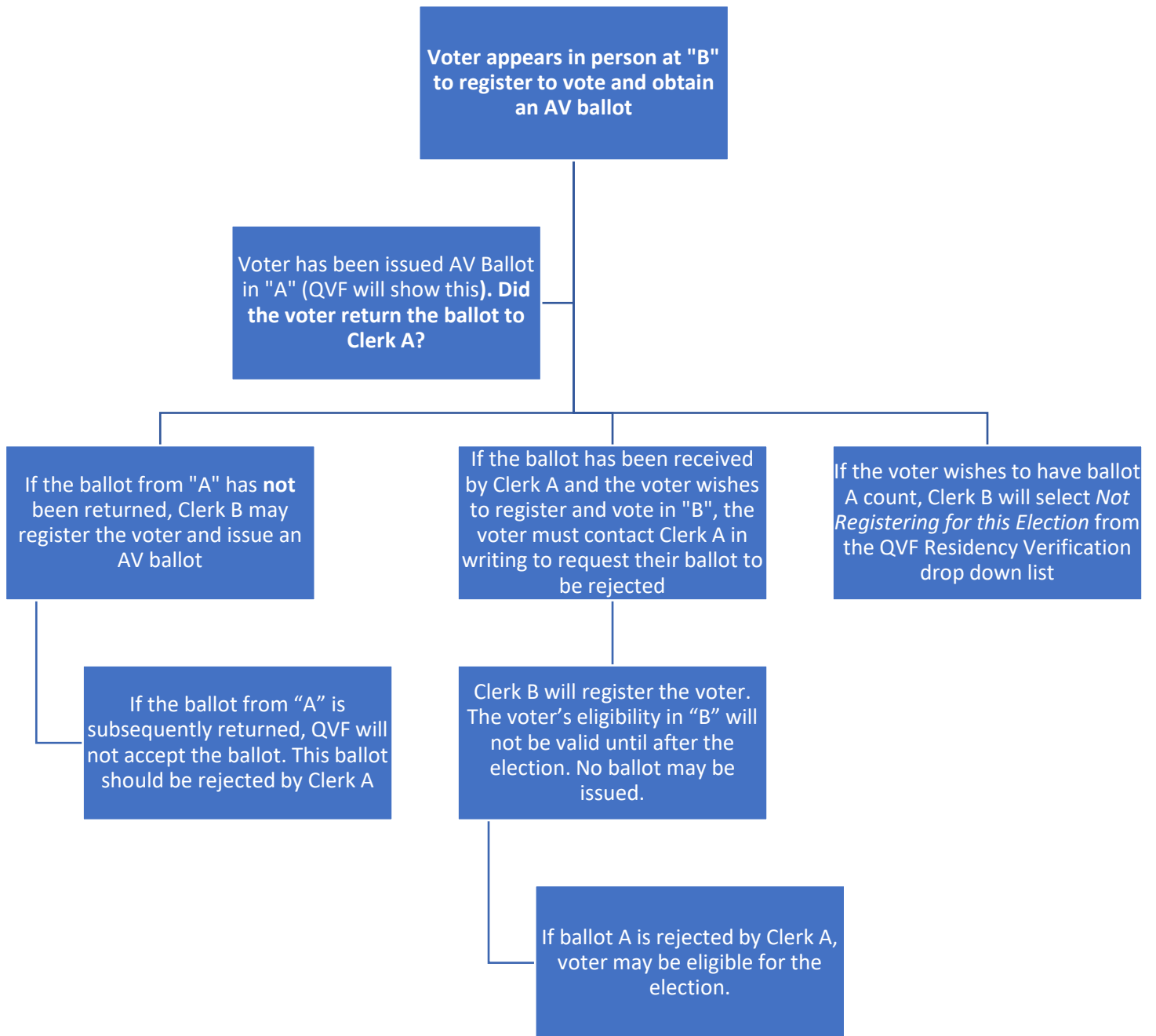
ISSUING AV BALLOTS TO ELECTION ELIGIBLE VOTERS WHO HAVE MOVED:

Proposal 18-3 brings many changes to processes associated with voter registration and absentee voting. Notably, unregistered voters may apply for voter registration and obtain an AV ballot in the same transaction until the close of election day. Remember:

- New registrants may receive an AV ballot even after 4:00 pm on the day before the election.
- New registrants will be provided the option after registering to vote at the local clerk's office to cast their vote via absentee ballot or bring the printed QVF receipt to their precinct and vote in person.

Also, clerks are now required by law to export electronic pollbook lists from the QVF **after** 4:00 p.m. on the day before the election (the exception being those jurisdictions with 51 or more precincts). This is to ensure that the most up to date AV history of voters who cast an AV ballot, or who registered and cast a ballot on the Monday prior to election will be reflected on the election day pollbook list.

Michigan now has tighter registration time frames that may impact voting for voters who move during the 45-day AV ballot window and who obtained or cast an AV ballot prior to moving and re-registering. The flow chart on the next page indicates how these instances are to be handled:



- "A" refers to Jurisdiction A
- "B" refers to Jurisdiction B

Reporting of Postal Service Issues

As a note, if you are having recurring issues with mail delivery, electionmail.org is tracking postal issues and the U. S. Postal Service's response. Reports to the website electionmail.org are also copied to the Bureau of Elections.

Issues to Report:

- Delivery delay
- Damaged mail
- Lost mail
- Undeliverable / returned mail
- Misdirected mail

Please be as detailed as possible when reporting your issues, including specific addresses and mailing dates to assist USPS in identifying which postal facilities are having problems.