



## MICHIGAN VOTING ASSISTANCE GUIDANCE

### Who is allowed to cast an absentee ballot?

Any registered voter has the right to request an absentee ballot via a written request signed by the voter or an online application. Mich. Con. L. Serv. § 168.759(1). Voters are also entitled to register to vote for the first time on Election Day, so long as they do so in-person at the appropriate city or township clerk's office by 8:00 PM (meaning same-day registration is likely not an option for voters who are confined to nursing homes). Mich. Con. L. Serv. §§ 168.759(2), 168.761(7). Voters also have the option to submit "an absent voter ballot application that covers all future elections." Mich. Con. L. Serv. § 168.759(5). "A [voter] must sign the absent voter ballot application," not any person who is assisting the voter. Mich. Con. L. Serv. § 168.759(3). Use of a signature stamp is also permissible if the voter "is unable to write, or sign his or her name . . . because of a physical disability." Mich. Con. L. Serv. § 168.755a(1). Requests for absentee ballots can be submitted online at this link: <https://mvic.sos.state.mi.us/AVApplication/Index>

Absentee ballot applications can be returned using any of the following methods:

1. Returned via U.S. mail using the postage prepaid return envelope provided by the clerk, either by the voter or an immediate family member selected by the voter. Mich. Con. L. Serv. § 168.759(8)(a).
2. Delivered in-person to the clerk's office, either by the voter or an immediate family member selected by the voter. Mich. Con. L. Serv. § 168.759(8)(b).
3. If neither above option is available, then the voter "may select any registered elector to return the application" so long as the voter returning the application signs and returns the certificate at the bottom of the application. Mich. Con. L. Serv. § 168.759(8)(d).
4. Apply and return the application online. Mich. Con. L. Serv. § 168.759(1)(d).

"Immediate family member" here means "a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in the elector's household." Mich. Con. L. Serv. § 168.759(8)(c).

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### **Can nursing home staff assist all residents with absentee voting?**

No, the Michigan code does not have a blanket absentee voting assistance provision that would be applicable to all nursing home residents. Nursing home staff who are registered Michigan voters can assist nursing home residents in applying for absentee ballots *if asked to do so by the voter*, but are not permitted to assist with voting or the return of the voted ballot unless they are an “immediate family member” of the voter or the voter is disabled as discussed below. Mich. Con. L. Serv. § 168.759(8)(c); Mich. Con. L. Serv. § 168.764a(1).

### **Can nursing home staff assist a disabled resident in voting?**

Yes. Under Section 208 of the federal Voting Rights Act of 1965, “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.” 52 U.S.C. § 10508.

Federal law defines a qualifying “disability” as “a physical or mental impairment that substantially limits one or more major life activities.” 42 U.S.C. § 12102(1)(A). Michigan law refers to voters who “are disabled or otherwise unable to mark the ballot and require[] assistance in voting your absent voter ballot.” Mich. Con. L. Serv. § 168.764a(1). Disabilities that are unrelated to a voter’s ability to read or mark their ballot do not qualify for assistance.

It is important to note that even under this exception, the disabled voter must still have the ability to choose the individual that assists them in casting their ballot. Michigan law specifically requires that “[a] person who assists an absent voter who is disabled or otherwise unable to mark the ballot shall only render his or her assistance by showing the absent voter how to vote the ballot *as the absent voter desires* or by marking the ballot *as directed by the absent voter*.” Mich. Con. L. Serv. § 168.932(g). If the voter is unable to make such a specific request for assistance or offer instructions concerning their desired vote choice, then assistance cannot be rendered.

### **If nursing home staff are not allowed to assist residents in voting, then who can?**

Michigan law does not allow for voters who are not “disabled or otherwise unable to mark the ballot” to be assisted in voting absentee; if a voter does have a qualifying disability, they can receive assistance from any person of their choice who does not work for the voter’s employer or union, but the assisting individual must complete the appropriate section on the return envelope. Mich. Con. L. Serv. § 168.764a.

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However, any voter casting an absentee ballot can request assistance in *returning* the voted ballot to the clerk’s office. A voter may call the clerk’s office any time before 5:00 PM on the Friday preceding Election Day (i.e., by 5:00 PM on October 30, 2026) to request assistance, and if a request is timely made and the ballot can be picked up within the jurisdictional limits of the city, township, or village in which the voter is registered, then such assistance must be provided. Mich. Con. L. Serv. §§ 168.751, 168.764a.

### **How should voted absentee ballots be returned?**

Voted absentee ballots can be returned using any of the following methods:

1. Returned via U.S. mail or other carrier using the postage prepaid return envelope provided by the clerk, either by the voter or an immediate family member selected by the voter. Mich. Con. L. Serv. § 168.764a(1).
2. Delivered in-person to the clerk’s office, either by the voter or an immediate family member selected by the voter. Mich. Con. L. Serv. § 168.764a(1).
3. Call the relevant clerk and request assistance in returning the ballot before 5:00 PM on the Friday preceding Election Day (i.e., by 5:00 PM on October 30, 2026) as described above. Mich. Con. L. Serv. § 168.764a(1).

“Immediate family member” here means “a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in [the voter’s] household.” Mich. Con. L. Serv. § 168.764a(1).

An absentee ballot must be received by the appropriate city or township clerk by the time that polls close on Election Day in order to be counted. Mich. Con. L. Serv. § 168.764a(1).

### **What conduct indicates that illegal activity may be occurring in a nursing home?**

There are several factors that may be indicative of illegal absentee voting activity:

- Someone completing a voter’s ballot outside the voter’s presence, which should ***never*** happen.
- An unusually high number of requests for the same person to provide assistance.
- Individuals seeking to assist voters residing in a nursing home who do not have a qualifying disability.
- Individuals aggressively seeking to assist disabled voters residing in a nursing home without any initial request for assistance from those voters.
- Individual seeking to interfere with or influence the voter’s selection while they are voting, which is illegal.

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- Individuals sharing how a voter voted, which is illegal.
- Individuals forging a voter's signature on an absentee ballot application or absentee ballot.

If you are aware that any of the above activities are occurring in a particular nursing home, you should report that information to the Michigan Attorney General's Office by calling (517) 335-7659.

### **What other criminal offenses related to absentee voting should nursing home staff be aware of?**

Any person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor, and any person who forges a signature on an application is guilty of a felony. Mich. Con. L. Serv. § 168.759(13). Likewise, any voter who makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor, and any person who assists an absentee voter and knowingly makes a false statement on the return envelope is guilty of a felony. Mich. Con. L. Serv. § 168.761(5).

"A person present while an absent voter is voting an absent voter ballot shall not suggest or in any manner attempt to influence the absent voter on how he or she should vote;" if they do, they have committed a felony. Mich. Con. L. Serv. § 168.932(h). Specifically, "[a] person who assists an absent voter who is disabled or otherwise unable to mark the ballot shall not suggest or in any manner attempt to influence the absent voter on how he or she should vote or allow any other person to do so;" this is also a felony. Mich. Con. L. Serv. § 168.932(g).

It is also a felony for "[a] person who is not involved in the counting of ballots as provided by law and who has possession of an absent voter ballot mailed or delivered to another person" to "open the envelope containing the ballot," "make any marking on the ballot," "alter the ballot in any way," or "substitute another ballot for the absent voter ballot that the person possesses." Mich. Con. L. Serv. § 168.932(e).

The Michigan Attorney General has been diligent about prosecuting cases of voter fraud that occur in nursing homes. In 2022, a Michigan nursing home employee "pleaded guilty to three misdemeanor counts of making a false statement in an absentee ballot application."<sup>1</sup> The charges arose out of a case in which the employee "did not contact [nursing home]

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<sup>1</sup> Mich. Dep't of Att'y Gen., *Macomb County Nursing Home Employee Pleads Guilty in Attempted Election Fraud Case* (Feb. 24, 2022), available at: <https://www.michigan.gov/ag/news/press-releases/2022/02/24/macomb-county-nursing-home-employee-pleads-guilty-in-attempted-election-fraud-case>.

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residents as set by procedure and instead filled out the applications and forged the residents' signature to each application.”<sup>2</sup> This highlights the importance of obtaining explicit directions from each resident at all stages of the absentee voting process.

#### CENTER FOR VULNERABLE VOTERS

Please contact our National Training Coordinator, Laura Williams, OTR/L for inquiries at:

[Laura.Williams@centerforvulnerablevoters.org](mailto:Laura.Williams@centerforvulnerablevoters.org)

Centerforvulnerablevoters.org

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<sup>2</sup> *Id.*

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