

# SENATE BILL No. 721

August 5, 2009, Introduced by Senators KAHN, McMANUS, BROWN, GARCIA, CROPSEY, PATTERSON, KUIPERS, SANBORN, PAPPAGEORGE, HARDIMAN and BIRKHOLZ and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759a (MCL 168.759a), as amended by 2006 PA 605.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 759a. (1) A member of the armed services or an overseas  
2 voter who is not registered, but possessed the qualifications of an  
3 elector under section 492, may apply for registration by using the  
4 federal postcard application. The department of state, bureau of  
5 elections, is responsible for disseminating information on the  
6 procedures for registering and voting to absent armed services and  
7 overseas voters.

8           (2) Each of the following persons who is a qualified elector  
9 of a city, village, or township in this state and who is not a

1 registered voter may apply for an absent voter ballot:

2 (a) A civilian employee of the armed services outside of the  
3 United States.

4 (b) A member of the armed services outside of the United  
5 States.

6 (c) A citizen of the United States temporarily residing  
7 outside the territorial limits of the United States.

8 (d) A citizen of the United States residing in the District of  
9 Columbia.

10 (e) A spouse or dependent of a person described in  
11 subdivisions (a) through (d) who is a citizen of the United States  
12 and who is accompanying that person, even though the spouse or  
13 dependent is not a qualified elector of a city, village, or  
14 township of this state, if that spouse or dependent is not a  
15 qualified and registered elector anywhere else in the United  
16 States.

17 (3) Upon receipt of an application under this section that  
18 complies with this act, a city, village, or township clerk shall  
19 forward to the applicant the absent voter ballots requested, the  
20 forms necessary for registration, and instructions for completing  
21 the forms. If the ballots are not yet available at the time of  
22 receipt of the application, the clerk shall immediately forward to  
23 the applicant the registration forms and instructions, and forward  
24 the ballots as soon as they are available. If the ballots and  
25 registration forms are received before the close of the polls on  
26 election day and if the registration complies with the requirements  
27 of this act, the absent voter ballots shall be delivered to the

1 proper election board to be voted. If the registration does not  
2 comply with the requirements of this act, the clerk shall retain  
3 the absent voter ballots until the expiration of the time that the  
4 voted ballots must be kept and shall then destroy the ballots  
5 without opening the envelope. The clerk may retain registration  
6 forms completed under this section in a separate file. The address  
7 in this state shown on a registration form is the residence of the  
8 registrant.

9 (4) The size of a precinct shall not be determined by  
10 registration forms completed under this section.

11 (5) A member of the armed services or an overseas voter, as  
12 described in subsection (2), who registers to vote by federal  
13 postcard application under subsection (1), and who applies to vote  
14 as an absent voter by federal postcard application is eligible to  
15 vote as an absent voter in any local or state election, including  
16 any school election, occurring in the calendar year in which the  
17 federal postcard application is received by the city, village, or  
18 township clerk, but not in an election for which the application is  
19 received by the clerk after 2 p.m. of the Saturday before the  
20 election. A city or township clerk receiving a federal postcard  
21 application shall transmit to a village clerk and school district  
22 election coordinator, where applicable, the necessary information  
23 to enable the village clerk and school district election  
24 coordinator to forward an absent voter ballot for each applicable  
25 election in that calendar year to the qualified elector submitting  
26 the federal postcard application. A village clerk receiving a  
27 federal postcard application shall transmit to a city or township

1 clerk, where applicable, the necessary information to enable the  
2 city or township clerk to forward an absent voter ballot for each  
3 applicable election in that calendar year to the qualified elector  
4 submitting the federal postcard application. If the local elections  
5 official rejects a registration or absent voter ballot application  
6 submitted on a federal postcard application by an absent armed  
7 services or overseas voter, the election official shall notify the  
8 armed services or overseas voter of the rejection.

9 (6) Under the uniformed and overseas citizens absentee voting  
10 act, 42 USC 1973ff to 1973ff-6, the state director of elections  
11 shall approve a ballot form and registration procedures for  
12 electors in the armed services and electors outside the United  
13 States, including the spouses and dependents accompanying those  
14 electors.

15 (7) A MEMBER OF THE ARMED SERVICES OUTSIDE OF THE UNITED  
16 STATES WHO IS ELIGIBLE TO VOTE AS AN ABSENT VOTER IN ANY LOCAL OR  
17 STATE ELECTION MAY TRANSMIT BY FACSIMILE TO THE CITY, VILLAGE, OR  
18 TOWNSHIP CLERK HIS OR HER COMPLETED ABSENT VOTER BALLOT. IN  
19 ADDITION, A MEMBER OF THE ARMED SERVICES OUTSIDE OF THE UNITED  
20 STATES WHO TRANSMITS HIS OR HER COMPLETED ABSENT VOTER BALLOT BY  
21 FACSIMILE PURSUANT TO THIS SUBSECTION SHALL COMPLETE AND SIGN THE  
22 PRINTED STATEMENT FOUND ON THE BACK OF THE ABSENT VOTER BALLOT  
23 RETURN ENVELOPE AS PROVIDED IN SECTION 761(4) AND TRANSMIT IT BY  
24 FACSIMILE TO THE CITY, VILLAGE, OR TOWNSHIP CLERK. AN ABSENT VOTER  
25 BALLOT RETURNED UNDER THIS SUBSECTION SHALL BE PROCESSED IN THE  
26 SAME MANNER AS ANY OTHER ABSENT VOTER BALLOT VOTED BY MAIL UNDER  
27 THIS SECTION. THE SECRETARY OF STATE SHALL PROMULGATE RULES

1 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
2 MCL 24.201 TO 24.328, TO IMPLEMENT THE PROVISIONS OF THIS  
3 SUBSECTION.

4 (8) A MEMBER OF THE ARMED SERVICES OUTSIDE OF THE UNITED  
5 STATES WHO IS ELIGIBLE TO VOTE AS AN ABSENT VOTER IN ANY LOCAL OR  
6 STATE ELECTION MAY SCAN AND TRANSMIT BY ELECTRONIC MAIL TO THE  
7 CITY, VILLAGE, OR TOWNSHIP CLERK HIS OR HER COMPLETED ABSENT VOTER  
8 BALLOT. IN ADDITION, A MEMBER OF THE ARMED SERVICES OUTSIDE OF THE  
9 UNITED STATES WHO SCANS AND TRANSMITS BY ELECTRONIC MAIL HIS OR HER  
10 COMPLETED ABSENT VOTER BALLOT PURSUANT TO THIS SUBSECTION SHALL  
11 COMPLETE, SIGN, AND SCAN THE PRINTED STATEMENT FOUND ON THE BACK OF  
12 THE ABSENT VOTER BALLOT RETURN ENVELOPE AS PROVIDED IN SECTION  
13 761(4) AND TRANSMIT IT BY ELECTRONIC MAIL TO THE CITY, VILLAGE, OR  
14 TOWNSHIP CLERK. AN ABSENT VOTER BALLOT RETURNED UNDER THIS  
15 SUBSECTION SHALL BE PROCESSED IN THE SAME MANNER AS ANY OTHER  
16 ABSENT VOTER BALLOT VOTED BY MAIL UNDER THIS SECTION. THE SECRETARY  
17 OF STATE SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE  
18 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, TO  
19 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

20 (9) ~~(7)~~—As used in this section, "armed services" means any of  
21 the following:

22 (a) The United States army, navy, air force, marine corps, or  
23 coast guard.

24 (b) The United States merchant marine.

25 (c) A reserve component of an armed service listed in  
26 subdivision (a) or (b).

27 (d) The Michigan national guard as defined in section 105 of

1 the Michigan military act, 1967 PA 150, MCL 32.505.