

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 977

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2018 PA 603.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during
2 the 75 days before a primary or special primary, but not later than
3 8 p.m. on the day of a primary or special primary, an elector may
4 apply for an absent voter ballot. The elector shall apply in person
5 or by mail with the clerk of the township or city in which the
6 elector is registered. The clerk of a city or township shall not
7 send by first-class mail an absent voter ballot to an elector after
8 5 p.m. on the Friday immediately before the election. ~~In addition,~~
9 **Except as otherwise provided in section 761(2),** the clerk of a city

1 or township shall not issue an absent voter ballot to a registered
2 elector in that city or township after 4 p.m. on the day before the
3 election. An application received before a primary or special
4 primary may be for either that primary only, or for that primary
5 and the election that follows. An individual may submit a voter
6 registration application and an absent voter ballot application at
7 the same time if applying in person with the clerk or deputy clerk
8 of the city or township in which the individual resides.

9 Immediately after his or her voter registration application and
10 absent voter ballot application are approved by the clerk or deputy
11 clerk, the individual may, subject to the identification
12 requirement in section 761(6), complete an absent voter ballot at
13 the clerk's office.

14 (2) Except as otherwise provided in subsection (1) and subject
15 to section 761(3), at any time during the 75 days before an
16 election, but not later than 8 p.m. on the day of an election, an
17 elector may apply for an absent voter ballot. The elector shall
18 apply in person or by mail with the clerk of the township, city, or
19 village in which the voter is registered. The clerk of a city or
20 township shall not send by first-class mail an absent voter ballot
21 to an elector after 5 p.m. on the Friday immediately before the
22 election. ~~In addition,~~ **Except as otherwise provided in section**
23 **761(2)**, the clerk of a city or township shall not issue an absent
24 voter ballot to a registered elector in that city or township after
25 4 p.m. on the day before the election. An individual may submit a
26 voter registration application and an absent voter ballot
27 application at the same time if applying in person with the clerk
28 or deputy clerk of the city or township in which the individual
29 resides. Immediately after his or her voter registration

1 application and absent voter ballot application are approved by the
2 clerk, the individual may, subject to the identification
3 requirement in section 761(6), complete an absent voter ballot at
4 the clerk's office.

5 (3) An application for an absent voter ballot under this
6 section may be made in any of the following ways:

7 (a) By a written request signed by the voter.

8 (b) On an absent voter ballot application form provided for
9 that purpose by the clerk of the city or township.

10 (c) On a federal postcard application.

11 (4) An applicant for an absent voter ballot shall sign the
12 application. ~~A—Subject to section 761(2), a~~ clerk or assistant
13 clerk shall not deliver an absent voter ballot to an applicant who
14 does not sign the application. A person shall not be in possession
15 of a signed absent voter ballot application except for the
16 applicant; a member of the applicant's immediate family; a person
17 residing in the applicant's household; a person whose job normally
18 includes the handling of mail, but only during the course of his or
19 her employment; a registered elector requested by the applicant to
20 return the application; or a clerk, assistant of the clerk, or
21 other authorized election official. A registered elector who is
22 requested by the applicant to return his or her absent voter ballot
23 application shall sign the certificate on the absent voter ballot
24 application.

25 (5) The clerk of a city or township shall have absent voter
26 ballot application forms available in the clerk's office at all
27 times and shall furnish an absent voter ballot application form to
28 anyone upon a verbal or written request. The absent voter ballot
29 application must be in substantially the following form:

"Application for absent voter ballot for:

[] The primary or special primary election to be held on _____ (Date).

[] The election to be held on _____ (Date).

(Check applicable election or elections)

I, _____, a United States citizen and a qualified and registered elector of the _____ precinct of the township of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

Send absent voter ballot to me at:

(Street No. or R.R.)

(Post Office) (State) (Zip Code)

My registered address _____

(Street No. or R.R.)

(Post Office) (State) (Zip Code)

Date.....

I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

(Signature)

WARNING

You must be a United States citizen to vote. If you are not a

1 United States citizen, you will not be issued an absent voter
2 ballot.

3 ~~A person making a false statement in this absent voter ballot~~
4 ~~application is guilty of a misdemeanor. A person who knowingly~~
5 **submits an absent voter ballot application containing false**
6 **information or a forged signature is guilty of a felony.** It is a
7 violation of Michigan election law for a person other than those
8 listed in the instructions to return, offer to return, agree to
9 return, or solicit to return your absent voter ballot application
10 to the clerk. An assistant authorized by the clerk who receives
11 absent voter ballot applications at a location other than the
12 clerk's office must have credentials signed by the clerk. Ask to
13 see his or her credentials before entrusting your application with
14 a person claiming to have the clerk's authorization to return your
15 application.

16 Certificate of Authorized Registered
17 Elector Returning Absent Voter
18 Ballot Application

19 I certify that my name is , my address is
20 , and my date of birth is ; that
21 I am delivering the absent voter ballot application of
22 at his or her request; that I did not solicit
23 or request to return the application; that I have not made any
24 markings on the application; that I have not altered the
25 application in any way; that I have not influenced the applicant;
26 and that I am aware that a false statement in this certificate is a
27 violation of Michigan election law.

28 _____
29 (Date)

(Signature) "

1 (6) The following instructions for an applicant for an absent
2 voter ballot must be included with each application furnished an
3 applicant:

4 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

5 Step 1. After completely filling out the application, sign and
6 date the application in the place designated. Your signature must
7 appear on the application or you ~~will~~**may** not receive an absent
8 voter ballot.

9 Step 2. Deliver the application by 1 of the following methods:

10 (a) Place the application in an envelope addressed to the
11 appropriate clerk and place the necessary postage upon the return
12 envelope and deposit it in the United States mail or with another
13 public postal service, express mail service, parcel post service,
14 or common carrier.

15 (b) Deliver the application personally to the clerk's office,
16 to the clerk, or to an authorized assistant of the clerk.

17 (c) In either (a) or (b), a member of the immediate family of
18 the voter including a father-in-law, mother-in-law, brother-in-law,
19 sister-in-law, son-in-law, daughter-in-law, grandparent, or
20 grandchild or a person residing in the voter's household may mail
21 or deliver the application to the clerk for the applicant.

22 (d) If an applicant cannot return the application in any of
23 the above methods, the applicant may select any registered elector
24 to return the application. The person returning the application
25 must sign and return the certificate at the bottom of the
26 application.

27 (7) A person who prints and distributes absent voter ballot
28 applications shall print on the application the warning,
29 certificate of authorized registered elector returning absent voter

1 ballot application, and instructions required by this section.

2 ~~(8) A person who makes a false statement in an absent voter~~
3 ~~ballot application is guilty of a misdemeanor. A person who forges~~
4 ~~a signature on an absent voter ballot application is guilty of a~~
5 ~~felony.~~ A person who is not authorized in this act and who both
6 distributes absent voter ballot applications to absent voters and
7 returns those absent voter ballot applications to a clerk or
8 assistant of the clerk is guilty of a misdemeanor.

9 **(9) Except as otherwise expressly authorized by law, a person**
10 **who knowingly fills out an absent voter ballot application and who**
11 **without consent submits or causes to be submitted that absent voter**
12 **ballot application containing or using another person's name and**
13 **personal identification information is guilty of a felony.**

14 **(10) A person who knowingly fills out and submits or causes to**
15 **be submitted an absent voter ballot application with the intent to**
16 **obtain multiple absent voter ballots for a person is guilty of a**
17 **felony.**

18 **(11) A person who knowingly submits an absent voter ballot**
19 **application containing false information or a forged signature is**
20 **guilty of a felony.**