

SENATE BILL NO. 310

March 24, 2021, Introduced by Senators JOHNSON, BUMSTEAD, LASATA, HORN, THEIS, STAMAS, ZORN, VICTORY, BARRETT, DALEY, OUTMAN and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to **subsection (10) and** section 761(3),
2 at any time during the 75 days before a primary or special primary,
3 but not later than 8 p.m. on the day of a primary or special
4 primary, an elector may apply for an absent voter ballot. The
5 elector shall apply in person or by mail with the clerk of the

1 township or city in which the elector is registered. The clerk of a
2 city or township shall not send by first-class mail an absent voter
3 ballot to an elector after 5 p.m. on the Friday immediately before
4 the election. Except as otherwise provided in section 761(2), the
5 clerk of a city or township shall not issue an absent voter ballot
6 to a registered elector in that city or township after 4 p.m. on
7 the day before the election. An application received before a
8 primary or special primary may be for either that primary only, or
9 for that primary and the election that follows. An individual may
10 submit a voter registration application and an absent voter ballot
11 application at the same time if applying in person with the clerk
12 or deputy clerk of the city or township in which the individual
13 resides. Immediately after his or her voter registration
14 application and absent voter ballot application are approved by the
15 clerk or deputy clerk, the individual may, subject to the
16 identification requirement in section 761(6), complete an absent
17 voter ballot at the clerk's office.

18 (2) Except as otherwise provided in subsection (1) and subject
19 to **subsection (10) and** section 761(3), at any time during the 75
20 days before an election, but not later than 8 p.m. on the day of an
21 election, an elector may apply for an absent voter ballot. The
22 elector shall apply in person or by mail with the clerk of the
23 township, city, or village in which the voter is registered. The
24 clerk of a city or township shall not send by first-class mail an
25 absent voter ballot to an elector after 5 p.m. on the Friday
26 immediately before the election. Except as otherwise provided in
27 section 761(2), the clerk of a city or township shall not issue an
28 absent voter ballot to a registered elector in that city or
29 township after 4 p.m. on the day before the election. An individual

1 may submit a voter registration application and an absent voter
2 ballot application at the same time if applying in person with the
3 clerk or deputy clerk of the city or township in which the
4 individual resides. Immediately after his or her voter registration
5 application and absent voter ballot application are approved by the
6 clerk, the individual may, subject to the identification
7 requirement in section 761(6), complete an absent voter ballot at
8 the clerk's office.

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

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

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

14 (c) On a federal postcard application.

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

29 (5) The clerk of a city or township shall have absent voter

1 ballot application forms available in the clerk's office at all
2 times and shall furnish an absent voter ballot application form to
3 anyone upon a verbal or written request. The absent voter ballot
4 application must be in substantially the following form:

5 "Application for absent voter ballot for:

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

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

9 (Check applicable election or elections)

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

17 Send absent voter ballot to me at:

18
19 (Street No. or R.R. or Designated Address)

20
21 (Post Office) (State) (Zip Code)

22 My registered address

23 (Street No. or R.R. or Participant
24 Identification Number)

25
26 (Post Office) (State) (Zip Code)

27 Date.....

28 I certify that I am a United States citizen and that
29 the statements in this absent voter ballot application

1 are true.

2

3 (Signature)

4 WARNING

5 You must be a United States citizen to vote. If you are not a
6 United States citizen, you will not be issued an absent voter
7 ballot.

8 A person making a false statement in this absent voter ballot
9 application is guilty of a misdemeanor. It is a violation of
10 Michigan election law for a person other than those listed in the
11 instructions to return, offer to return, agree to return, or
12 solicit to return your absent voter ballot application to the
13 clerk. An assistant authorized by the clerk who receives absent
14 voter ballot applications at a location other than the clerk's
15 office must have credentials signed by the clerk. Ask to see his or
16 her credentials before entrusting your application with a person
17 claiming to have the clerk's authorization to return your
18 application.

19 Certificate of Authorized Registered

20 Elector Returning Absent Voter

21 Ballot Application

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

1 violation of Michigan election law.

2 _____
3 (Date) (Signature)"

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

7 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

8 Step 1. After completely filling out the application, sign and
9 date the application in the place designated. Your signature must
10 appear on the application or you may not receive an absent voter
11 ballot.

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

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

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

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

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

1 (7) ~~A person~~**An individual** who prints and distributes absent
2 voter ballot applications shall print on the application the
3 warning, certificate of authorized registered elector returning
4 absent voter ballot application, and instructions required by this
5 section.

6 (8) ~~A person~~**An individual** who makes a false statement in an
7 absent voter ballot application is guilty of a misdemeanor. A
8 ~~person~~**An individual** who forges a signature on an absent voter
9 ballot application is guilty of a felony. ~~A person~~**An individual**
10 who is not authorized in this act and who both distributes absent
11 voter ballot applications to absent voters and returns those absent
12 voter ballot applications to a clerk or assistant of the clerk is
13 guilty of a misdemeanor.

14 (9) The absent voter ballot application of an elector who is a
15 program participant, as that term is defined in **section 3 of** the
16 address confidentiality program act, **2020 PA 301, MCL 780.853**, is
17 confidential and not subject to disclosure under the freedom of
18 information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (10) **Unless an elector requests that the secretary of state**
20 **send or provide an absent voter ballot application to that elector,**
21 **the secretary of state is prohibited from sending or providing an**
22 **absent voter ballot application to an elector. The prohibition**
23 **under this subsection includes, but is not limited to, providing an**
24 **absent voter ballot application or a direct link to an absent voter**
25 **ballot application on the department of state website.**