

**SUBSTITUTE FOR
HOUSE BILL NO. 5880**

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 the clerk of a city or township shall not issue an absent voter



1 ballot to a registered elector in that city or township after 4
2 p.m. on the day before the election. An application received before
3 a primary or special primary may be for either that primary only,
4 or for that primary and the election that follows. An individual
5 may submit a voter registration application and an absent voter
6 ballot application at the same time if applying in person with the
7 clerk or deputy clerk of the city or township in which the
8 individual resides. Immediately after his or her voter registration
9 application and absent voter ballot application are approved by the
10 clerk or deputy clerk, the individual may, subject to the
11 identification requirement in section 761(6), complete an absent
12 voter ballot at the clerk's office.

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



1 identification requirement in section 761(6), complete an absent
2 voter ballot at the clerk's office.

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

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

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

8 (c) On a federal postcard application.

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

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

27 "Application for absent voter ballot for:

28 [] The primary or special primary election to be held on

29 _____ (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 United States citizen, you will not be issued an absent voter ballot.

A person making a false statement in this absent voter ballot



1 application is guilty of a misdemeanor. It is a violation of
 2 Michigan election law for a person other than those listed in the
 3 instructions to return, offer to return, agree to return, or
 4 solicit to return your absent voter ballot application to the
 5 clerk. An assistant authorized by the clerk who receives absent
 6 voter ballot applications at a location other than the clerk's
 7 office must have credentials signed by the clerk. Ask to see his or
 8 her credentials before entrusting your application with a person
 9 claiming to have the clerk's authorization to return your
 10 application.

11 Certificate of Authorized Registered
 12 Elector Returning Absent Voter
 13 Ballot Application

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

23 _____
 24 (Date)

 (Signature)"

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

28 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

29 Step 1. After completely filling out the application, sign and



1 date the application in the place designated. Your signature must
2 appear on the application or you will not receive an absent voter
3 ballot.

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

5 (a) Place the application in an envelope addressed to the
6 appropriate clerk and place the necessary postage upon the return
7 envelope and deposit it in the United States mail or with another
8 public postal service, express mail service, parcel post service,
9 or common carrier.

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

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

17 (d) If an applicant cannot return the application in any of
18 the above methods, the applicant may select any registered elector
19 to return the application. The person returning the application
20 must sign and return the certificate at the bottom of the
21 application.

22 (7) A person who prints and distributes absent voter ballot
23 applications shall print on the application the warning,
24 certificate of authorized registered elector returning absent voter
25 ballot application, and instructions required by this section.

26 ~~(8) A person who makes a false statement in an absent voter~~
27 ~~ballot application is guilty of a misdemeanor. A person who forges~~
28 ~~a signature on an absent voter ballot application is guilty of a~~
29 ~~felony. A person who is not authorized in this act and who both~~



1 distributes absent voter ballot applications to absent voters and
2 returns those absent voter ballot applications to a clerk or
3 assistant of the clerk is guilty of a misdemeanor.

4 (9) Except as otherwise expressly authorized by law, a person
5 who knowingly fills out and submits or causes to be submitted an
6 absent voter ballot application containing or using another
7 person's name and personal identification information is guilty of
8 a felony.

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

13 (11) A person who knowingly submits an absent voter ballot
14 application containing false information or a forged signature is
15 guilty of a felony.

