

HOUSE BILL No. 4603

April 29, 1999, Introduced by Reps. Rivet, Switalski, Pestka, Gielegem, Wojno, Callahan, Vear, Frank and Thomas and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 758, 759, and 759b (MCL 168.758, 168.759,
and 168.759b), section 758 as amended by 1996 PA 207 and section
759 as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. ~~—(1) For the purposes of—~~ AS USED IN this act,
2 "absent voter" means a qualified and registered elector who
3 ~~meets 1 or more of the following requirements;~~
4 ~~(a) On account of physical disability, cannot without~~
5 ~~another's assistance attend~~ WISHES TO VOTE WITHOUT ATTENDING the
6 polls on the day of an election.
7 ~~—(b) On account of the tenets of his or her religion, cannot~~
8 ~~attend the polls on the day of election.~~

1 ~~(c) Cannot attend the polls on the day of an election in the~~
2 ~~precinct in which he or she resides because of being an election~~
3 ~~precinct inspector in another precinct.~~

4 ~~(d) Is 60 years of age or older.~~

5 ~~(e) Is absent or expects to be absent from the township or~~
6 ~~city in which he or she resides during the entire period the~~
7 ~~polls are open for voting on the day of an election.~~

8 ~~(f) Cannot attend the polls on election day because of being~~
9 ~~confined in jail awaiting arraignment or trial.~~

10 ~~(2) Subsection (1) does not apply to~~ ABSENT VOTER DOES NOT
11 INCLUDE a person who has moved outside of this state, regardless
12 of length of his or her residence outside of this state, and who
13 no longer maintains an actual residence in this state. The stor-
14 age of personal effects or household goods, the ownership of
15 property that is rented or leased to others, or occasional brief
16 visits to a former domicile in this state while residing outside
17 of this state for most of the year does not constitute a resi-
18 dence for voting purposes in this state, except for each of the
19 following:

20 (a) A person described in section 1 of article II of the
21 state constitution of 1963 and statutes enacted under that
22 section.

23 (b) A person described in section 759a.

24 Sec. 759. (1) At any time during the 75 days before a pri-
25 mary or special primary, but not later than 2 p.m. of the
26 Saturday immediately before the primary or special primary, an
27 elector who qualifies to vote as an absent voter, as defined in

1 section 758, may apply for an absent voter ballot. The elector
2 shall apply in person or by mail with the clerk of the township,
3 city, or village in which the elector is registered. An applica-
4 tion received before a primary or special primary may be for
5 either that primary only, or for that primary and the election
6 that follows.

7 (2) Except as otherwise provided in subsection (1), at any
8 time during the 75 days before an election, but not later than 2
9 p.m. of the Saturday before the election, an elector who quali-
10 fies to vote as an absent voter, as defined in section 758, may
11 apply for an absent voter ballot. The elector shall apply in
12 person or by mail with the clerk of the township, city, or vil-
13 lage in which the voter is registered.

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

16 (a) By a written request signed by the ~~voter stating the~~
17 ~~statutory grounds for making the application~~ ELECTOR.

18 (b) On an absent voter ballot application form provided for
19 that purpose by the clerk of the city, township, or village.

20 (c) On a federal postcard application.

21 (4) An applicant for an absent voter ballot shall sign the
22 application. A clerk or assistant clerk shall not deliver an
23 absent voter ballot to an applicant who does not sign the
24 application. A person other than the applicant; a member of the
25 applicant's immediate family; a person residing in the
26 applicant's household; a person whose job normally includes the
27 handling of mail, but only during the course of his or her

1 employment; a registered elector requested by the applicant; or a
 2 clerk, assistant of the clerk, or other authorized election offi-
 3 cial shall not be in possession of a signed absent voter ballot
 4 application. A registered elector who is requested by the appli-
 5 cant to return his or her absent voter ballot application shall
 6 sign the certificate on the absent voter ballot application.

7 (5) The clerk of the city, township, or village shall have
 8 absent voter ballot application forms available in the office of
 9 the clerk at all times and shall furnish an absent voter ballot
 10 application form to anyone upon a verbal or written request. The
 11 absent voter ballot application shall be in substantially the
 12 following form:

13 "Application for absent voter ballot for:

14 ☐ The primary or special primary election to be held on
 15, 19... [DATE].

16 ☐ The election to be held on, 19...
 17 [DATE].

18 (Check applicable election or elections)

19 I,, a qualified and registered elector of
 20 the precinct of the township of or village
 21 of or of the ward of the city
 22 of, in the county of and state of
 23 Michigan, apply for an official ballot, or ballots, to be voted
 24 by me at the election or elections as requested in this
 25 application.

26 ~~The statutory grounds on which I base my request are:~~

1 ~~[] I expect to be absent from the community in which I am~~
 2 ~~registered for the entire time the polls are open on election~~
 3 ~~day.~~

4 ~~[] I am physically unable to attend the polls without the~~
 5 ~~assistance of another.~~

6 ~~[] I cannot attend the polls because of the tenets of my~~
 7 ~~religion.~~

8 ~~[] I have been appointed an election precinct inspector in a~~
 9 ~~precinct other than the precinct where I reside.~~

10 ~~[] I am 60 years of age or older.~~

11 ~~[] I cannot attend the polls because I am confined to jail~~
 12 ~~awaiting arraignment or trial.~~

13 ~~(Check applicable reason)~~

14 Send absent voter ballot to me at:

15
 16 (Street No. or R.R.)

17
 18 (Post Office) (State)

19 My registered address.....
 20 (Street No. or R.R.)

21
 22 (Post Office) (State)

23 Date.....

24 I declare that the statements in this absent voter ballot
 25 application are true.

26
 27 (Signature)

28 WARNING

29 A person making a false statement in this absent voter
 30 ballot application is guilty of a misdemeanor. It is a violation

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

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

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

22 _____(Date) _____(Signature)"
 23 24 (6) The following instructions for an applicant for an

25 absent voter ballot shall be included with each application fur-
 26 nished an applicant:

27 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

1 Step 1. After completely filling out the application, sign
2 and date the application in the place designated. Your signature
3 must appear on the application or you will not receive an absent
4 voter ballot.

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

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

12 (b) Deliver the application personally to the office of the
13 clerk, to the clerk, or to an authorized assistant of the clerk.

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

20 (d) In the event an applicant cannot return the application
21 in any of the above methods, the applicant may select any regis-
22 tered elector to return the application. The person returning
23 the application must sign and return the certificate at the
24 bottom of the application.

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

1 voter ballot application, and instructions required by this
2 section.

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

10 Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN
11 absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4
12 p.m. on election day if ~~he shall have become physically dis-~~
13 ~~abled or shall be absent from the city or township because of~~
14 ~~sickness or death in the family which~~ AN EVENT has occurred at a
15 time ~~which has~~ THAT made it impossible to apply for absent
16 voter ballots by the statutory deadline. The application shall
17 be called an emergency absent voter BALLOT application.

18 (2) Emergency absent voter BALLOT applications may be made
19 by letter or on a form PRESCRIBED BY THE SECRETARY OF STATE AND
20 provided by the clerk. The application shall set forth that the
21 voter is qualified to vote in the election ~~, stating the statu-~~
22 ~~tory reason for applying for an emergency absent voter ballot~~
23 ~~and that the reason for applying after the statutory deadline~~
24 AN EVENT occurred at such a time to make it impossible to file an
25 application for AN absent voter ~~ballots~~ BALLOT by the statutory
26 deadline. THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD
27 EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM, INCLUDING THE

1 SIZE OF THE FORM AND THE COLOR OF PAPER UPON WHICH THE FORM IS
2 PRINTED.

3 (3) ~~Any~~ A person intentionally making a false statement in
4 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of
5 a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person
6 to make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER
7 BALLOT application is guilty of a felony.

8 (4) Upon receipt by the clerk of a valid application for an
9 emergency absent voter ballot, the clerk may deliver the ABSENT
10 VOTER ballots to the applicant in person, through a deputy or an
11 election assistant, or ~~he may deliver them~~ at his OR HER office
12 to a person named by the applicant in the EMERGENCY ABSENT VOTER
13 BALLOT application. The ABSENT voter may return the ABSENT VOTER
14 ballots to the clerk ~~in the sealed envelope provided therefor~~
15 in any manner. ~~he sees fit. To~~ HOWEVER, TO be valid, ~~ballots~~
16 ~~must be returned~~ THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER
17 BALLOTS to the clerk IN THE SEALED ENVELOPE PROVIDED FOR THAT
18 REASON AND in time to be delivered to the polls ~~prior to~~ BEFORE
19 8 p.m. on election day.