

SUBSTITUTE FOR
HOUSE BILL NO. 6028

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 761 (MCL 168.761), as amended by 1996 PA
207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761. (1) If the clerk of a city, township, or village
2 receives an application for an absent voter ballot from a person
3 registered to vote in that city, township, or village and if the
4 signature on the application agrees with the signature on the
5 registration card, the clerk **shall proceed under this**
6 **subsection. The clerk** immediately upon receipt of the
7 application or, if the application is received before the
8 printing of the absent voter ballots, as soon as the ballots are
9 received by the clerk, shall forward by mail, postage prepaid, or
10 shall deliver personally 1 of the ballots or set of ballots if

1 there is more than 1 kind of ballot to be voted to the
2 applicant. Absent voter ballots may be delivered to an applicant
3 in person at the office of the clerk.

4 (2) Notwithstanding **the provision in** section 759 ~~—~~
5 ~~providing~~ that no absent voter applications shall be received by
6 the clerk after 2 p.m. on the Saturday before the election, a
7 person qualified to vote as an absent voter may apply in person
8 at the clerk's office before 4 p.m. on a day ~~preceeding~~ **before**
9 the election except Sunday or a legal holiday to vote as an
10 absent voter. The applicant shall receive his or her absent
11 voter ballot and vote the ballot in the clerk's office. All
12 other absent voter ballots, except ballots delivered ~~pursuant~~
13 **according** to an emergency absent voter ballot application under
14 section 759b, shall be mailed or delivered to the registration
15 address of the applicant unless the ~~application~~ **applicant**
16 requests delivery to an address outside the city, village, or
17 township or to a hospital or similar institution. ~~—, in which~~
18 ~~ease~~ **If the applicant requests delivery to other than the**
19 **applicant's registration address,** the absent voter ballots shall
20 be mailed or delivered to the address given in the application.
21 ~~However, a~~ **A** clerk may mail or deliver an absent voter ballot,
22 upon request of the absent voter, to a post office box if the
23 post office box is where the absent voter normally receives
24 personal mail and the absent voter does not receive mail at his
25 or her registration address.

26 (3) Absent voter ballots shall be issued in the same order in
27 which applications are received by the clerk of a city, township,

1 or village, as ~~nearly as may be~~ **close as possible**, and each
2 ballot issued shall bear the lowest number of each kind available
3 for this purpose. ~~However, this~~ **This** provision does not
4 prohibit a clerk from immediately issuing an absent voter ballot
5 to an absent voter who applies in person in the clerk's office
6 for absent voter ballots. The clerk shall enclose with the
7 ballot or ballots a return envelope properly addressed to the
8 clerk and bearing upon the back of the envelope a printed
9 statement in substantially the following form:

10 TO BE COMPLETED
11 BY THE CLERK

12 _____
13 Name of Voter Street Address or R.R.
14 _____
15 City, Township or Village County
16 Ward _____ Precinct _____ Date of Election _____

17 =====
18 TO BE COMPLETED BY THE ABSENT VOTER

19 I assert that I am a qualified and registered elector of the
20 city, township, or village named above. I am voting as an absent
21 voter in conformity with state election law. Unless otherwise
22 indicated below, I personally marked the ballot enclosed in this
23 envelope without exhibiting it to any other person.

24 **If applicable, I also acknowledge that the person named below**
25 **was in my physical presence and assisted me in marking my ballot**
26 **or marked my ballot for me at my direction.**

27 I further assert that this absent voter ballot is being
28 returned to the clerk or an assistant of the clerk by me
29 personally; by public postal service, express mail service,

1 parcel post service, or other common carrier; by a member of my
2 immediate family; or by a person residing in my household.

3 DATE: _____ SIGN HERE: X _____
4 Signature of Absent Voter

5 The above form must be signed or your vote will not be counted.
6 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
7 OF A MISDEMEANOR.

8 =====

9 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
10 BY ANOTHER PERSON

11 I assisted the above named absent voter who is ~~disabled~~ a
12 **person with a disability** or **who is** otherwise unable to mark the
13 ballot in marking his or her absent voter ballot ~~pursuant~~
14 **according** to his or her directions **and in his or her physical**
15 **presence**. The absent voter ballot was inserted in the return
16 envelope without being exhibited to any other person **or revealing**
17 **the selections made by the absent voter to any other person.**

18 _____
19 Signature of Person
20 Assisting Voter Street Address or R.R. **State, City, Twp., or**
21 Village

22 _____

23 **Printed Name of Person Assisting Voter**

24 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A
25 FALSE STATEMENT IS GUILTY OF A FELONY.

26 =====

27 WARNING
28 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
29 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
30 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
31 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED

1 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
2 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
3 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
4 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
5 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
6 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
7 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
8 VOTER BALLOT IS GUILTY OF A FELONY.

9 ~~(4) A clerk may use absent voter ballot envelop stock~~
10 ~~purchased before March 28, 1996 for the remainder of the 1996~~
11 ~~calendar year if both of the following requirements are~~
12 ~~satisfied:~~

13 ~~—— (a) The warning in subsection (3) that describes persons who~~
14 ~~can legally be in possession of an absent voter ballot is affixed~~
15 ~~to the outside of the envelope.~~

16 ~~—— (b) All other instructions required under subsection (3)~~
17 ~~regarding persons assisting the absent voter are inserted into~~
18 ~~the absent voter ballot envelope.~~

19 **(4)** ~~—(5)—~~ An absent voter who knowingly makes a false
20 statement on the absent voter ballot return envelope is guilty of
21 a misdemeanor. A person who assists an absent voter and who
22 knowingly makes a false statement on the absent voter ballot
23 return envelope is guilty of a felony.

24 Enacting section 1. This amendatory act takes effect March
25 1, 2005.