

HOUSE BILL No. 4988

July 17, 2003, Introduced by Reps. Hardman, Byrum, Jamnick, Tobocman, Accavitti and Bieda and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 720, 758, 759, and 759b (MCL 168.720, 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261, and by adding section 720a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 720. (1) On the day of ~~any~~ **an** election, the polls
2 shall ~~be opened~~ **open** at 7 ~~o'clock in the forenoon,~~ **a.m.** and
3 shall be continuously open until 8 ~~o'clock in the afternoon and~~
4 ~~no longer~~ **p.m.** ~~Every~~ **Each** qualified elector present and in
5 line at the polls at ~~the hour prescribed for the~~ closing
6 ~~thereof~~ **time** shall be allowed to vote.

7 (2) In a pilot jurisdiction conducting early voting under
8 section 720a, the clerk conducting the election shall designate

1 the hours the polls will open and close. The clerk shall post
2 the hours that the polls will be open at each early voting
3 polling place and shall provide notice to electors of the
4 location of each early voting polling place and the dates and
5 hours the early voting polling place will be open. The notice to
6 electors shall substantially comply with the form in section
7 653a.

8 Sec. 720a. (1) Beginning January 1, 2004 and through
9 December 31, 2006, the secretary of state shall establish a pilot
10 project to test early voting in not more than 10 pilot
11 jurisdictions. The secretary of state shall approve a plan for
12 early voting submitted by a local jurisdiction if it meets the
13 guidelines established by the secretary of state. The guidelines
14 shall include but are not limited to the following:

15 (a) Pilot jurisdictions shall vary in the size of
16 population.

17 (b) Pilot jurisdictions shall represent diverse geographical
18 regions of this state.

19 (c) The plan submitted by a local jurisdiction shall contain
20 a commitment from the legislative body of the local jurisdiction
21 to conduct early voting.

22 (2) The secretary of state shall submit a report to the house
23 and senate committees that consider election issues on or before
24 January 15, 2007. The secretary of state shall include all of
25 the following information in the report for each election held by
26 early voting in each pilot jurisdiction:

27 (a) The cost of holding an election by early voting.

1 (b) The level of voter participation for early voting.

2 (c) The recommendation of the secretary of state regarding
3 statewide early voting.

4 (d) Other information the secretary of state considers
5 relevant.

6 (3) The secretary of state shall cooperate with a pilot
7 jurisdiction conducting early voting and provide technical
8 assistance to a pilot jurisdiction requesting technical
9 assistance.

10 (4) A pilot jurisdiction conducting early voting shall follow
11 the provisions of this act regarding all of the following:

12 (a) Selection of an early voting polling place.

13 (b) Election inspectors.

14 (c) Challenges to voters.

15 (d) Poll book and poll list.

16 (e) Notices, instructions, and placards.

17 (f) Security of a voting machine or other voting system.

18 (g) Ballot security, ballot containers, ballot counting, and
19 ballot preservation.

20 (5) "Early voting", as used in section 720 and this section,
21 means the period of time from 5 days before a primary, general,
22 or special election through the day before a primary, general, or
23 special election when a qualified and registered elector may vote
24 in person at a polling place designated by the clerk conducting
25 the election.

26 Sec. 758. ~~-(1) For the purposes of this act, "absent voter"~~
27 ~~means a qualified and registered elector who meets 1 or more of~~

1 ~~the following requirements:~~

2 ~~—— (a) On account of physical disability, cannot without~~
 3 ~~another's assistance attend the polls on the day of an election.~~

4 ~~—— (b) On account of the tenets of his or her religion, cannot~~
 5 ~~attend the polls on the day of election.~~

6 ~~—— (c) Cannot attend the polls on the day of an election in the~~
 7 ~~precinct in which he or she resides because of being an election~~
 8 ~~precinct inspector in another precinct.~~

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

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

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

15 ~~(2) Subsection (1) does not apply to~~ **As used in this act,**

16 **"absent voter" means a qualified and registered elector who**
 17 **wishes to vote without attending the polls on the day of an**
 18 **election. Absent voter does not include** a person who has moved
 19 outside of this state, regardless of length of his or her
 20 residence outside of this state, and who no longer maintains an
 21 actual residence in this state. The storage of personal effects
 22 or household goods, the ownership of property that is rented or
 23 leased to others, or occasional brief visits to a former domicile
 24 in this state while residing outside of this state for most of
 25 the year does not constitute a residence for voting purposes in
 26 this state, except for each of the following:

27 (a) A person described in section 1 of article II of the

1 state constitution of 1963 and statutes enacted under that
2 section.

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

4 Sec. 759. (1) At any time during the 75 days before a
5 primary or special primary, but not later than 2 p.m. of the
6 Saturday immediately before the primary or special primary, an
7 elector who qualifies to vote as an absent voter ~~—, as defined in~~
8 ~~section 758,~~ may apply for an absent voter ballot. The elector
9 shall apply ~~in person or by mail~~ with the clerk of the
10 township, city, or village in which the elector is registered.
11 An application received before a primary **election** or special
12 primary **election** may be for either that primary **election** only, or
13 for that primary **election** and the election that follows.

14 (2) Except as otherwise provided in subsection (1), at any
15 time during the 75 days before an election, but not later than
16 2 p.m. of the Saturday before the election, an elector who
17 qualifies to vote as an absent voter ~~—, as defined in~~
18 ~~section 758,~~ may apply for an absent voter ballot. The elector
19 shall apply ~~in person or by mail~~ with the clerk of the
20 township, city, or village in which the voter is registered.

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

23 (a) By a written request signed by the ~~voter stating the~~
24 ~~statutory grounds for making the application~~ **elector and**
25 **delivered to the clerk in person, by mail, or, where available,**
26 **by facsimile transmission.**

27 (b) On an absent voter ballot application form ~~provided for~~

1 that ~~purpose by~~ the clerk of the city, township, or village
2 **provides the absent voter, and which the absent voter returns to**
3 **the clerk in person, by mail, or, where available, by facsimile**
4 **transmission.**

5 (c) On a federal postcard application **that the absent voter**
6 **returns to the clerk in person, by mail, or, where available, by**
7 **facsimile transmission.**

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

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

1 "Application for absent voter ballot for:

2 The primary **election** or special primary election to be
3 held on ~~....., 19...~~ _____ **[date]**.

4 The election to be held on ~~....., 19...~~
5 _____ **[date]**.

6 (Check applicable election or elections)

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

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

15 ~~—— I expect to be absent from the community in which I am~~
16 ~~registered for the entire time the polls are open on election~~
17 ~~day.~~

18 ~~—— I am physically unable to attend the polls without the~~
19 ~~assistance of another.~~

20 ~~—— I cannot attend the polls because of the tenets of my~~
21 ~~religion.~~

22 ~~—— I have been appointed an election precinct inspector in a~~
23 ~~precinct other than the precinct where I reside.~~

24 ~~—— I am 60 years of age or older.~~

25 ~~—— I cannot attend the polls because I am confined to jail~~
26 ~~awaiting arraignment or trial.~~

1 ~~———— (Check applicable reason)~~

2 Send absent voter ballot to me at:

3
4 (Street No. or R.R.)

5
6 (Post Office) (State) (Zip Code)

7 My registered address.....
8 (Street No. or R.R.)

9
10 (Post Office) (State) (Zip Code)

11 Date.....

12 I ~~declare~~ **swear** that the statements in this absent voter
13 ballot application are true.

14
15 (Signature)

16 WARNING
17 A person making a false statement in this absent voter ballot
18 application is guilty of a misdemeanor. It is a violation of
19 Michigan election law for a person other than those listed in the
20 instructions to return, offer to return, agree to return, or
21 solicit to return your absent voter ballot application to the
22 clerk. An assistant authorized by the clerk who receives absent
23 voter ballot applications at a location other than the office of
24 the clerk must have credentials signed by the clerk. Ask to see
25 his or her credentials before entrusting your application with a
26 person claiming to have the clerk's authorization to return your
27 application.

28 Certificate of Authorized Registered
29 Elector Returning Absent Voter
30 Ballot Application

1 I certify that my name is, my address is
2, and my date of birth is; that
3 I am delivering the absent voter ballot application of
4 at his or her request; that I did not
5 solicit or request to return the application; that I have not
6 made any markings on the application; that I have not altered the
7 application in any way; that I have not influenced the applicant;
8 and that I am aware that a false statement in this certificate is
9 a violation of Michigan election law.

10 _____
11 (Date) (Signature)"

12 (6) The following instructions for an applicant for an absent
13 voter ballot shall be included with each application furnished an
14 applicant:

15 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

22 (a) Place the application in an envelope addressed to the
23 appropriate clerk and place the necessary postage upon the return
24 envelope and deposit it in the United States mail or with another
25 public postal service, express mail service, parcel post service,
26 or common carrier.

27 (b) Deliver the application personally to the office of the

1 clerk, to the clerk, or to an authorized assistant of the clerk.

2 (c) In either (a) or (b), a member of the immediate family of
3 the voter including a father-in-law, mother-in-law,
4 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
5 grandparent, or grandchild or a person residing in the voter's
6 household may mail or deliver the application to the clerk for
7 the applicant.

8 (d) ~~In the event~~ **If** an applicant cannot return the
9 application in any of the above methods, the applicant may select
10 any registered elector to return the application. The person
11 returning the application must sign and return the certificate at
12 the bottom of the application.

13 **(e) If available, by facsimile transmission.**

14 (7) A person who prints and distributes absent voter ballot
15 applications shall print on the application the warning,
16 certificate of authorized registered elector returning absent
17 voter ballot application, and instructions required by this
18 section.

19 (8) A person who makes a false statement in an absent voter
20 ballot application is guilty of a misdemeanor. A person who
21 forges a signature on an absent voter ballot application is
22 guilty of a felony. A person who is not authorized in this act
23 and who both distributes absent voter ballot applications to
24 absent voters and returns those absent voter ballot applications
25 to a clerk or assistant of the clerk is guilty of a misdemeanor.

26 Sec. 759b. **(1)** ~~Any~~ **A** registered elector may apply for **an**
27 absent voter ~~ballots~~ **ballot** at any time ~~prior to~~ **before** 4

1 p.m. on election day if he ~~shall have~~ or **she has** become
2 physically disabled or ~~shall~~ **will** be absent from the city or
3 township because of sickness or death in the family ~~which~~ **that**
4 has occurred at a time ~~which has~~ **that** made it impossible to
5 apply for **an** absent voter ~~ballots~~ **ballot** by the statutory
6 deadline. The application shall be called an emergency absent
7 voter **ballot** application.

8 (2) Emergency absent voter **ballot** applications may be made by
9 letter or on a form **prescribed by the secretary of state and**
10 provided by the clerk. The application shall set forth that the
11 voter is qualified to vote in the election ~~—, stating the~~
12 ~~statutory reason for applying for an emergency absent voter~~
13 ~~ballot~~ and that the reason for applying after the statutory
14 deadline occurred at such a time to make it impossible to file an
15 application for **an** absent voter ~~ballots~~ **ballot** by the statutory
16 deadline.

17 (3) ~~Any~~ **A** person intentionally making a false statement in
18 ~~such~~ **an emergency absent voter ballot** application is guilty of
19 a felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **another** person
20 to make a false statement ~~on such~~ **in an emergency absent voter**
21 **ballot** application is guilty of a felony.

22 (4) Upon receipt by the clerk of a valid application for an
23 emergency absent voter ballot, the clerk may deliver the **absent**
24 **voter** ballots to the applicant in person, through a deputy or an
25 election assistant, or ~~he may deliver them~~ at his **or her** office
26 to a person named by the applicant in the **emergency absent voter**
27 **ballot** application. The **absent** voter may return the **absent voter**

1 ballots to the clerk ~~in the sealed envelope provided therefor~~
2 in any manner. ~~he sees fit. To~~ **However, to** be valid, ~~ballots~~
3 ~~must be returned~~ **the absent voter must return the absent voter**
4 **ballots** to the clerk **in the sealed envelope provided for that**
5 **reason and** in time to be delivered to the polls ~~prior to~~ **before**
6 8 p.m. on election day.