

HOUSE BILL No. 6061

June 30, 2004, Introduced by Rep. Gaffney.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 1999 PA
216; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) A member of the armed services or an
2 overseas voter who is not registered, but possessed the
3 qualifications of an elector under section 492, other than the
4 requirement of residing in the city, township, or village on or
5 before the thirtieth day before the next regular, primary, or
6 special election, may apply for registration by using the federal
7 postcard application. The department of state, bureau of
8 elections, is responsible for disseminating information on the
9 procedures for registering and voting to absent armed services
10 and overseas voters.

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1 (2) ~~(1) Except as provided in subsection (5), each~~ **Each** of
 2 the following persons who is a qualified elector of a city,
 3 **village**, or township in this state and who is not a registered
 4 voter may apply for an absent voter ballot: ~~pursuant to~~
 5 ~~section 504:~~

6 (a) A civilian employee of the armed services outside of the
 7 United States.

8 (b) A member of the armed services outside of the United
 9 States.

10 (c) A citizen of the United States temporarily residing
 11 outside the territorial limits of the United States.

12 (d) A citizen of the United States residing in the District
 13 of Columbia.

14 (e) A spouse or dependent of a person described in
 15 subdivisions (a) through (d) who is a citizen of the United
 16 States and who is accompanying that person, ~~notwithstanding~~
 17 ~~that~~ **even though** the spouse or dependent is not a qualified
 18 elector of a city, **village**, or township of this state, ~~as long~~
 19 ~~as~~ **if** that spouse or dependent is not a qualified and registered
 20 elector anywhere else in the United States.

21 ~~(2) A citizen described in subsection (1) other than a~~
 22 ~~person described in subsection (1)(b) or a spouse or dependent of~~
 23 ~~such a person described in subsection (1)(b) shall include, with~~
 24 ~~an application for an absent voter ballot or registration, an~~
 25 ~~affidavit in a form and manner approved by the state director of~~
 26 ~~elections stating either of the following:~~

27 ~~(a) His or her qualifications as an elector at the time he or~~

~~1 she departed from the United States or began residing in the
2 District of Columbia and affirming that he or she has not
3 relinquished his or her citizenship or established residence for
4 voting in any other place.~~

~~5 — (b) That he or she is a spouse or dependent of a person
6 described in subsection (1)(a), (c), or (d), that he or she meets
7 the qualifications as an elector other than residency in this
8 state, and that he or she has not established a residence for
9 voting in any other place.~~

10 (3) Upon receipt of an application under this section that
11 complies with this act, a city, **village**, or township clerk shall
12 forward to the applicant the absent voter ballots requested, the
13 forms necessary for registration, and instructions for completing
14 the forms. If the ballots are not yet available at the time of
15 receipt of the application, the clerk shall immediately forward
16 to the applicant the registration forms and instructions, and
17 forward the ballots as soon as they are available. If the
18 ballots and registration forms are received before the close of
19 the polls on election day and if the registration complies with
20 the requirements of this act, the absent voter ballots shall be
21 delivered to the proper election board to be voted. If the
22 registration does not comply with the requirements of this act,
23 the clerk shall retain the absent voter ballots until the
24 expiration of the time that the voted ballots must be kept and
25 shall then destroy the ballots without opening the envelope. The
26 clerk may retain registration forms completed under this section
27 in a separate file. The address in this state shown on a

1 registration form is the residence of the registrant.

2 (4) The size of a precinct shall not be determined by
3 registration forms completed under this section.

4 (5) ~~A person described in subsection (1)(a) and (b) and a~~
5 ~~spouse or dependent of that person who is accompanying that~~
6 ~~person is registered to vote in a special primary or special~~
7 ~~general election if he or she was registered to vote under this~~
8 ~~section in the primary or general election immediately preceding~~
9 ~~the special primary or special general election. The city or~~
10 ~~township clerk who received that person's completed registration~~
11 ~~forms in the primary or general election shall forward to that~~
12 ~~person at his or her last known address an absent voter ballot~~
13 ~~for the special primary or special general election immediately~~
14 ~~upon the clerk's receipt of the absent voter ballots for the~~
15 ~~special primary or special general election. A qualified~~
16 **elector, including a member of the armed services or an overseas**
17 **voter who registers to vote by federal postcard application under**
18 **subsection (1), who applies to vote as an absent voter by federal**
19 **postcard application is eligible to vote as an absent voter in**
20 **any local or state election, including any school election,**
21 **occurring in the calendar year in which the federal postcard**
22 **application is received by the city, village, or township clerk,**
23 **but not in an election for which the application is received by**
24 **the clerk after 2 p.m. of the Saturday before the election. A**
25 **city or township clerk receiving a federal postcard application**
26 **shall transmit to a village clerk and secretary of the school**
27 **district, where applicable, the necessary information to enable**

1 the village clerk and secretary of the school district to forward
2 an absent voter ballot for each applicable election in that
3 calendar year to the qualified elector submitting the federal
4 postcard application. If the local elections official rejects a
5 registration or absent voter ballot application submitted on a
6 federal postcard application by an absent armed services or
7 overseas voter, the election official shall notify the armed
8 services or overseas voter of the rejection.

9 (6) ~~Pursuant to~~ **Under** the uniformed and overseas citizens
10 absentee voting act, Public Law 99-410, 100 Stat. 924, the state
11 director of elections shall approve a ballot form and
12 registration procedures for electors in the armed services and
13 electors outside the United States, including the spouses and
14 dependents accompanying those electors.

15 (7) As used in this section, "armed services" means any of
16 the following:

17 (a) The United States army, navy, air force, marine corps, or
18 coast guard.

19 (b) The United States merchant ~~marines~~ **marine**.

20 (c) A reserve component of an armed service listed in
21 subdivision (a) or (b).

22 (d) The Michigan national guard as defined in section 105 of
23 the Michigan military act, 1967 PA 150, MCL 32.505.

24 Enacting section 1. Section 504 of the Michigan election
25 law, 1954 PA 116, MCL 168.504, is repealed.