

SUBSTITUTE FOR
SENATE BILL NO. 803
(As amended June 12, 2012)

[A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 523 and 759 (MCL 168.523 and 168.759),
sections 523 as amended by 2005 PA 71 and section 759 as
amended by 1995 PA 261, and by adding section 766a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 523. (1) At each election, before being given a ballot,
2 each registered elector offering to vote shall identify himself
3 or herself by presenting an official state identification card
4 issued to that individual ~~pursuant to Act No. 222 of the Public~~
5 ~~Acts of 1972, being sections 28.291 to 28.295 of the Michigan~~
6 ~~Compiled Laws, UNDER 1972 PA 222, MCL 28.291 TO 28.300, an~~
7 operator's or chauffeur's license issued to that individual

1 ~~pursuant to~~ **UNDER** the Michigan vehicle code, ~~Act No. 300 of the~~
2 ~~Public Acts of 1949, being sections 257.1 to 257.923 of the~~
3 ~~Michigan Compiled Laws, 1949 PA 300, MCL 257.1 TO 257.923, or~~
4 other generally recognized picture identification card and by
5 executing an application, ~~showing his or her signature or mark~~
6 ~~and address of residence~~ **ON A FORM PRESCRIBED BY THE SECRETARY OF**
7 **STATE**, in the presence of an election official ~~.~~ **WHICH INCLUDES**
8 **ALL OF THE FOLLOWING:**

9 (A) THE NAME OF THE ELECTOR.

10 (B) THE ELECTOR'S ADDRESS OF RESIDENCE.

11 (C) THE ELECTOR'S DATE OF BIRTH.

12 (D) AN AFFIRMATIVE STATEMENT BY THE ELECTOR INDICATING THAT
13 HE OR SHE IS A CITIZEN OF THE UNITED STATES.

14 (E) THE ELECTOR'S SIGNATURE OR MARK.

15 (2) IF AN ELECTOR DOES NOT AFFIRMATIVELY STATE ON THE
16 APPLICATION THAT HE OR SHE IS A CITIZEN OF THE UNITED STATES,
17 THAT ELECTOR SHALL BE CHALLENGED BY AN ELECTION INSPECTOR. IF THE
18 ELECTOR FAILS TO STATE UNDER OATH THAT HE OR SHE IS A CITIZEN OF
19 THE UNITED STATES, THAT ELECTOR SHALL NOT BE ISSUED A BALLOT.

20 (3) If an elector's signature contained in the qualified
21 voter file is available in the polling place, the election
22 official shall compare the signature upon the application with
23 the digitized signature provided by the qualified voter file. If
24 an elector's signature is not contained in the qualified voter
25 file, the election official shall process the application in the
26 same manner as applications are processed when a voter
27 registration list is used in the polling place. If voter

1 registration lists are used in the precinct, the election
2 inspector shall determine if the name on the application to vote
3 appears on the voter registration list. If the name appears on
4 the voter registration list, the elector shall provide further
5 identification ~~by giving his or her date of birth or other~~
6 information stated upon the voter registration list. ~~In precincts~~
7 ~~using voter registration lists, the date of birth may be required~~
8 ~~to be placed on the application to vote.~~ If the signature or an
9 item of information, **OTHER THAN CITIZENSHIP**, does not correspond,
10 the vote of the person shall be challenged, and the same
11 procedure shall be followed as provided in this act for the
12 challenging of an elector. ~~If the person offering to vote has~~
13 ~~signed the registration card or application by making a mark, the~~
14 ~~person shall identify himself or herself by giving his or her~~
15 ~~date of birth, which shall be compared with the date of birth~~
16 ~~stated upon the registration card or voter registration list, or~~
17 ~~shall give other identification as may be referred to upon the~~
18 ~~registration card or voter registration list.~~ If the elector does
19 not have an official state identification card, operator's or
20 chauffeur's license, ~~as required in this subsection,~~ or other
21 generally recognized picture identification card **AS REQUIRED**
22 **UNDER THIS SUBSECTION**, the individual shall sign an affidavit to
23 that effect before an election inspector and be allowed to vote
24 as otherwise provided in this act. However, an elector being
25 allowed to vote without the identification required under this
26 subsection is subject to challenge as provided in section 727.

27 (4) ~~(2)~~—If, upon a comparison of the signature or other

1 identification as required in ~~subsection (1)~~, **THIS SECTION**, it is
2 found that the applicant is entitled to vote, the election
3 officer having charge of the registration list shall approve the
4 application and write his or her initials on the application,
5 after which the number on the ballot issued shall be noted on the
6 application. The application shall serve as 1 of the 2 poll lists
7 required to be kept as a record of a person who has voted. The
8 application shall be filed with the township, city, or village
9 clerk. If voter registration cards are used in the precinct, the
10 date of the election shall be noted by 1 of the election
11 officials upon the precinct registration card of each elector
12 voting at an election. If voter registration lists are used in
13 the precinct, the election official shall clearly indicate upon
14 the list each elector voting at that election. The clerk of a
15 city, village, or township shall maintain a record of voting
16 participation for each registered elector.

17 Sec. 759. (1) At any time during the 75 days before a
18 primary or special primary, but not later than 2 p.m. of the
19 Saturday immediately before the primary or special primary, an
20 elector who qualifies to vote as an absent voter, as defined in
21 section 758, may apply for an absent voter ballot. The elector
22 shall apply in person or by mail with the clerk of the township,
23 city, or village in which the elector is registered. An
24 application received before a primary or special primary may be
25 for either that primary only, or for that primary and the
26 election that follows.

27 (2) Except as otherwise provided in subsection (1), at

1 anytime during the 75 days before an election, but not later than
2 2 p.m. of the Saturday before the election, an elector who
3 qualifies to vote as an absent voter, as defined in section 758,
4 may apply for an absent voter ballot. The elector shall apply in
5 person or by mail with the clerk of the township, city, or
6 village in which the voter is registered.

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

9 (a) By a written request signed by the voter stating the
10 statutory grounds for making the application.

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

13 (c) On a federal postcard application.

14 (4) An applicant for an absent voter ballot shall sign the
15 application. A clerk or assistant clerk shall not deliver an
16 absent voter ballot to an applicant who does not sign the
17 application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A**
18 **SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant;
19 a member of the applicant's immediate family; a person residing
20 in the applicant's household; a person whose job normally
21 includes the handling of mail, but only during the course of his
22 or her employment; a registered elector requested by the
23 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the
24 clerk, or other authorized election official. ~~shall not be in~~
25 ~~possession of a signed absent voter ballot application. A~~
26 registered elector who is requested by the applicant to return
27 his or her absent voter ballot application shall sign the

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1 certificate on the absent voter ballot application.

2 (5) The clerk of ~~the~~**A** city, township, or village shall have
3 absent voter ballot application forms available in the **CLERK'S**
4 office ~~of the clerk~~ at all times and shall furnish an absent
5 voter ballot application form to anyone upon a verbal or written
6 request. The absent voter ballot application shall be in
7 substantially the following form:

8 "Application for absent voter ballot for:

9 [] The primary or special primary election to be held on
10, 19.... **(DATE)**.

11 [] The election to be held on, 19....
12 **(DATE)**.

13 (Check applicable election or elections)

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

22 **ARE YOU A [UNITED STATES CITIZEN?] [] YES [] NO**

23 The statutory grounds on which I base my request are:

24 [] I expect to be absent from the community in which I am
25 registered for the entire time the polls are open on election
26 day.

27 [] I am physically unable to attend the polls without the

1 assistance of another.

2 [] I cannot attend the polls because of the tenets of my
3 religion.

4 [] I have been appointed an election precinct inspector in
5 a precinct other than the precinct where I reside.

6 [] I am 60 years of age or older.

7 [] I cannot attend the polls because I am confined to jail
8 awaiting arraignment or trial.

9 (Check applicable reason)

10 Send absent voter ballot to me at:

11
12 (Street No. or R.R.)

13
14 (Post Office) (State) (ZIP CODE)

15 My registered address
16 (Street No. or R.R.)

17
18 (Post Office) (State) (ZIP CODE)

19 Date.....

20 I ~~declare~~**CERTIFY** that the statements in this absent voter
21 ballot application are true.

22
23 (Signature)

24 WARNING

25 IF YOU ANSWER THAT YOU ARE NOT A CITIZEN OF THE UNITED
26 STATES, YOU WILL NOT BE ISSUED AN ABSENT VOTER BALLOT. IF YOU DO
27 NOT ANSWER THE CITIZENSHIP QUESTION ON THIS APPLICATION, AN
28 ABSENT VOTER BALLOT WILL BE ISSUED TO YOU, BUT THE BALLOT WILL
29 NOT BE COUNTED UNLESS YOU ANSWER THE CITIZENSHIP QUESTION IN

1 **WRITING TO THE CLERK BEFORE THE POLLS CLOSE ON ELECTION DAY.**

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

13 Certificate of Authorized Registered
 14 Elector Returning Absent Voter
 15 Ballot Application

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

25 _____
 26 (Date)

 (Signature) "

1 (6) The following instructions for an applicant for an
2 absent voter ballot shall be included with each application
3 furnished an applicant:

4 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

16 (b) Deliver the application personally to the **CLERK'S**
17 office, ~~of the clerk,~~ to the clerk, or to an authorized assistant
18 of the clerk.

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

24 (d) ~~In the event~~ **IF** an applicant cannot return the
25 application in any of the above methods, the applicant may select

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1 any registered elector to return the application. The person
2 returning the application must sign and return the certificate at
3 the bottom of the application.

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

9 (8) A person who makes a false statement in an absent voter
10 ballot application is guilty of a misdemeanor. A person who
11 forges a signature on an absent voter ballot application is
12 guilty of a felony. A person who is not authorized in this act
13 and who both distributes absent voter ballot applications to
14 absent voters and returns those absent voter ballot applications
15 to a clerk or assistant of the clerk is guilty of a misdemeanor.

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Senate Bill No. 803 as amended February 8, 2012
as amended June 12, 2012

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Senate Bill No. 803 as amended February 14, 2012
as amended June 12, 2012

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15 SEC. 766A. IF AN ELECTION IS CONTESTED IN A COURT, AN ABSENT
16 VOTER BALLOT THAT WAS NOT COUNTED BECAUSE THE ABSENT VOTER DID
17 NOT ANSWER THE CITIZENSHIP QUESTION IN WRITING TO THE CLERK
18 BEFORE THE POLLS CLOSED ON ELECTION DAY, AS REQUIRED UNDER
19 SECTION 759, MAY BE COUNTED IF THE COURT DETERMINES THAT THE
20 VOTER WAS A CITIZEN AT THE TIME OF THE ELECTION IN QUESTION.
<<[Enacting section 1. This amendatory act takes effect August 15,
2012.]>>