

HOUSE BILL No. 4253

February 13, 2013, Introduced by Reps. Darany, Faris, Dillon, Cochran, Knezek, Smiley, Rutledge, Zemke, Brinks, Singh, Switalski, Townsend, McCann, Schor, Yanez, Haugh, Santana, Robinson, Hobbs, Geiss, Abed and Kosowski and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758 and 759 (MCL 168.758 and 168.759), section 758 as amended by 1996 PA 207 and section 759 as amended by 2012 PA 523.

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 ~~meets~~
3 ~~1 or more of the following requirements:~~
4 — (a) ~~On account of physical disability, cannot without~~
5 ~~another's assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on
6 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
 14 storage 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~~**DO** not constitute a
 18 residence for voting purposes in this state, except for each of
 19 the 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
 25 primary 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~~**WANTS** to vote as an absent voter ~~, as~~

1 ~~defined in section 758,~~ may apply for an absent voter ballot. The
2 elector shall apply in person or by mail with the clerk of the
3 township, city, or village in which the elector is registered. An
4 application received before a primary or special primary may be
5 for either that primary **OR SPECIAL PRIMARY** only, or for that
6 primary **OR SPECIAL PRIMARY** and the election 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
10 ~~qualifies~~ **WANTS** to vote as an absent voter ~~, as defined in~~
11 ~~section 758,~~ may apply for an absent voter ballot. The elector
12 shall apply in person or by mail with the clerk of the township,
13 city, or village 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 shall not be in possession of a signed
25 absent voter ballot application except for the applicant; a
26 member of the applicant's immediate family; a person residing in
27 the applicant's household; a person whose job normally includes

1 the handling of mail, but only during the course of his or her
2 employment; a registered elector requested by the applicant to
3 return the application; or a clerk, assistant of the clerk, or
4 other authorized election official. A registered elector who is
5 requested by the applicant to return his or her absent voter
6 ballot application shall sign the certificate on the absent voter
7 ballot application.

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

14 "Application for absent voter ballot for:

15 [] The primary or special primary election to be held on
16 _____ (Date).

17 [] The election to be held on _____ (Date).

18 (Check applicable election or elections)

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

27 ~~_____ 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~~
9 ~~a 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) (Zip Code)

19 My registered address

20

21 (Street No. or R.R.)

22

23 Code) (Post Office) (State) (Zip

24 Date.....

25 I certify that I am a United States citizen and that
26 the statements in this absent voter ballot application
are true.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.....

(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

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

Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application

I certify that my name is , my address is , and my date of birth is ; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not

1 made any markings on the application; that I have not altered the
 2 application in any way; that I have not influenced the applicant;
 3 and that I am aware that a false statement in this certificate is
 4 a violation of Michigan election law.

5 _____
 6 (Date) (Signature) "

7 (6) The following instructions for an applicant for an
 8 absent voter ballot shall be included with each application
 9 furnished an applicant:

10 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

15 Step 2. Deliver the application by 1 of the following
 16 methods:

17 **(A) DO EITHER OF THE FOLLOWING:**

18 **(i)** ~~(a)~~ Place the application in an envelope addressed to the
 19 appropriate clerk and place the necessary postage upon the return
 20 envelope and deposit it in the United States mail or with another
 21 public postal service, express mail service, parcel post service,
 22 or common carrier.

23 **(ii) IF THE APPLICATION PROVIDES, FOLD THE APPLICATION WHERE**
 24 **INDICATED SO THE CLERK'S NAME AND ADDRESS APPEAR ON THE OUTSIDE,**

1 SEAL THE APPLICATION, PLACE THE NECESSARY POSTAGE WHERE PROVIDED,
2 AND DEPOSIT THE APPLICATION IN THE UNITED STATES MAIL OR WITH
3 ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST
4 SERVICE, OR COMMON CARRIER.

5 (b) Deliver the application personally to the clerk's
6 office, to the clerk, or to an authorized assistant of the clerk.

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

12 (d) If an applicant cannot return the application in any of
13 the above methods, the applicant may select any registered
14 elector to return the application. The person returning the
15 application must sign and return the certificate at the bottom of
16 the application.

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

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

1 to a clerk or assistant of the clerk is guilty of a misdemeanor.