

HOUSE BILL NO. 4132

February 04, 2021, Introduced by Reps. Wendzel, Steenland and Bollin and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2020 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during
2 the 75 days before a primary or special primary, but not later than
3 8 p.m. on the day of a primary or special primary, an elector may
4 apply for an absent voter ballot. The elector shall apply in person
5 or by mail with the clerk of the township or city in which the
6 elector is registered. The clerk of a city or township shall not

1 send by first-class mail an absent voter ballot to an elector after
2 5 p.m. on the Friday immediately before the election. Except as
3 otherwise provided in section 761(2), the clerk of a city or
4 township shall not issue an absent voter ballot to a registered
5 elector in that city or township after 4 p.m. on the day before the
6 election. An application received before a primary or special
7 primary may be for either that primary only, or for that primary
8 and the election that follows. An individual may submit a voter
9 registration application and an absent voter ballot application at
10 the same time if applying in person with the clerk or deputy clerk
11 of the city or township in which the individual resides.
12 Immediately after his or her voter registration application and
13 absent voter ballot application are approved by the clerk or deputy
14 clerk, the individual may, subject to the identification
15 requirement in section 761(6), complete an absent voter ballot at
16 the clerk's office.

17 (2) Except as otherwise provided in subsection (1) and subject
18 to section 761(3), at any time during the 75 days before an
19 election, but not later than 8 p.m. on the day of an election, an
20 elector may apply for an absent voter ballot. The elector shall
21 apply in person or by mail with the clerk of the township, city, or
22 village in which the voter is registered. The clerk of a city or
23 township shall not send by first-class mail an absent voter ballot
24 to an elector after 5 p.m. on the Friday immediately before the
25 election. Except as otherwise provided in section 761(2), the clerk
26 of a city or township shall not issue an absent voter ballot to a
27 registered elector in that city or township after 4 p.m. on the day
28 before the election. An individual may submit a voter registration
29 application and an absent voter ballot application at the same time

1 if applying in person with the clerk or deputy clerk of the city or
2 township in which the individual resides. Immediately after his or
3 her voter registration application and absent voter ballot
4 application are approved by the clerk, the individual may, subject
5 to the identification requirement in section 761(6), complete an
6 absent voter ballot at the clerk's office.

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.

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

12 (c) On a federal postcard application.

13 (4) An applicant for an absent voter ballot shall sign the
14 application. Subject to section 761(2), a clerk or assistant clerk
15 shall not deliver an absent voter ballot to an applicant who does
16 not sign the application. A person shall not be in possession of a
17 signed absent voter ballot application except for the applicant; a
18 member of the applicant's immediate family; a person residing in
19 the applicant's household; a person whose job normally includes the
20 handling of mail, but only during the course of his or her
21 employment; a registered elector requested by the applicant to
22 return the application; or a clerk, assistant of the clerk, or
23 other authorized election official. A registered elector who is
24 requested by the applicant to return his or her absent voter ballot
25 application shall sign the certificate on the absent voter ballot
26 application.

27 (5) The clerk of a city or township shall have absent voter
28 ballot application forms available in the clerk's office at all
29 times and shall furnish an absent voter ballot application form to

1 anyone upon a verbal or written request. The absent voter ballot
2 application must be in substantially the following form:

3 "Application for absent voter ballot for:

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

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

7 (Check applicable election or elections)

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

15 Send absent voter ballot to me at:

16

17 (Street No. or R.R.

18

19 (Post Office) (State) (Zip Code)

20 My registered address

21 (Street No. or R.R.)

22

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

24 Date.....

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

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29 (Signature)

WARNING

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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.~~ **A person who knowingly submits an absent voter ballot application containing false information or a forged signature is guilty of a felony.** 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 made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

1 _____
 2 (Date) (Signature)

3 (6) The following instructions for an applicant for an absent
 4 voter ballot must be included with each application furnished an
 5 applicant:

6 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

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

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

24 (d) If an applicant cannot return the application in any of
 25 the above methods, the applicant may select any registered elector
 26 to return the application. The person returning the application
 27 must sign and return the certificate at the bottom of the
 28 application.

29 (7) A person who prints and distributes absent voter ballot

1 applications shall print on the application the warning,
2 certificate of authorized registered elector returning absent voter
3 ballot application, and instructions required by this section.

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

11 **(9) Except as otherwise expressly authorized by law, a person**
12 **who knowingly fills out an absent voter ballot application and who**
13 **without consent submits or causes to be submitted that absent voter**
14 **ballot application containing or using another person's name and**
15 **personal identification information is guilty of a felony.**

16 **(10) A person who knowingly fills out and submits or causes to**
17 **be submitted an absent voter ballot application with the intent to**
18 **obtain multiple absent voter ballots for a person is guilty of a**
19 **felony.**

20 **(11) A person who knowingly submits an absent voter ballot**
21 **application containing false information or a forged signature is**
22 **guilty of a felony.**