

HOUSE BILL No. 6184

November 8, 1990, Introduced by Rep. Joe Young, Jr. and referred to the Committee on Elections.

A bill to amend sections 758c, 761, 764a, and 764b of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

section 758c as added by Act No. 172 of the Public Acts of 1982, section 761 as amended by Act No. 140 of the Public Acts of 1980, and sections 764a and 764b as added by Act No. 201 of the Public Acts of 1982, being sections 168.758c, 168.761, 168.764a, and 168.764b of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 758c, 761, 764a, and 764b of Act
2 No. 116 of the Public Acts of 1954, section 758c as added by Act
3 No. 172 of the Public Acts of 1982, section 761 as amended by Act
4 No. 140 of the Public Acts of 1980, and sections 764a and 764b as
5 added by Act No. 201 of the Public Acts of 1982, being sections

1 168.758c, 168.761, 168.764a, and 168.764b of the Michigan
2 Compiled Laws, are amended to read as follows:

3 Sec. 758c. (1) A qualified and registered elector who is a
4 resident of a community college district and whose election pre-
5 cinct ~~that~~ is within the community college district ~~AND~~
6 contains less than 50 registered electors shall be considered an
7 absent voter under this act for purposes of a special election of
8 a community college district that is not held in conjunction with
9 any other state or local election.

10 (2) The local unit of government conducting such an election
11 shall mail, by first class mail, an absent ~~voters'~~ VOTER ballot
12 to each elector considered an absent voter under this section.
13 This mailing shall also include the separate printed instructions
14 prescribed by section ~~764~~ 764A. Mailings pursuant to this sec-
15 tion shall be made not less than 20 days ~~nor~~ OR more than 30
16 days before the election.

17 (3) Election precincts to which this section applies ~~shall~~
18 ARE not ~~be~~ required to be open for any community college dis-
19 trict special election for which ballots were mailed pursuant to
20 this section.

21 Sec. 761. (1) ~~The~~ IF THE CLERK OF A city, township, or
22 village ~~clerk forthwith~~ RECEIVES AN APPLICATION FOR AN ABSENT
23 VOTER BALLOT FROM A PERSON REGISTERED TO VOTE IN THAT CITY, TOWN-
24 SHIP, OR VILLAGE AND IF THE SIGNATURE ON THE APPLICATION AGREES
25 WITH THE SIGNATURE ON THE REGISTRATION CARD, THE CLERK
26 IMMEDIATELY upon receipt of ~~an~~ THE application ~~for absentee~~
27 ~~ballots,~~ or, if the application is received ~~prior to~~ BEFORE

1 the printing of the ~~absentee~~ ABSENT VOTER ballots, as soon as
2 the ballots are received by the clerk, shall forward by mail,
3 postage prepaid, or shall deliver personally 1 of the ballots ~~,~~
4 or set of ballots ~~,~~ if there ~~are~~ IS more than 1 kind of
5 ballot to be voted ~~,~~ to ~~each qualified~~ THE applicant. ~~for~~
6 ~~absent voter's ballots from his city, township or village, if the~~
7 ~~applicant is properly registered and if the signature on the~~
8 ~~application agrees with the signature on the registration card.~~
9 Absent ~~voter's~~ VOTER ballots may be delivered to ~~the~~ AN
10 applicant in person at the office of the clerk. ~~notwithstanding~~
11 ~~the provision of~~

12 (2) NOTWITHSTANDING section 759, providing that no
13 ~~absentee~~ ABSENT VOTER applications shall be received by the
14 clerk after 2 p.m. on the Saturday ~~prior to~~ BEFORE the elec-
15 tion, ~~persons~~ A PERSON qualified to vote ~~absentee~~ AS AN
16 ABSENT VOTER may apply ~~to vote absentee~~ in person at the
17 clerk's office ~~prior to~~ BEFORE 4 p.m. on a day preceding the
18 election except Sunday or A legal holiday TO VOTE AS AN ABSENT
19 VOTER. ~~Such applicants, if qualified,~~ THE APPLICANT shall
20 receive ~~their ballots~~ HIS OR HER ABSENT VOTER BALLOT and vote
21 the ~~same~~ BALLOT in the clerk's office. All other absent
22 ~~voter's~~ VOTER ballots, ~~excepting~~ EXCEPT BALLOTS DELIVERED
23 PURSUANT TO AN emergency ~~absentee~~ ABSENT VOTER ballot
24 ~~applications~~ APPLICATION, shall be mailed or delivered to the
25 registration address of the applicant unless the application
26 requests delivery to an address outside the city, ~~or~~ township,
27 OR VILLAGE or to a hospital or similar institution, in which case

1 the ABSENT VOTER ballots shall be mailed or delivered to the
2 address given in the application.

3 (3) Absent ~~voters~~ VOTER ballots shall be issued in the
4 same order in which applications are received by the clerk of
5 ~~any~~ A city, township, or village, as nearly as may be, and each
6 ballot ~~so furnished~~ ISSUED shall bear the lowest number of each
7 kind available for this purpose. The clerk shall enclose with
8 ~~such~~ THE ballot or ballots a return envelope properly addressed
9 to ~~himself~~ THE CLERK and bearing upon the back ~~thereof~~ a
10 printed statement in substantially the following form:

11 TO BE COMPLETED
12 BY THE CLERK

13 _____
14 Name of Voter Street Address or R.R.
15 _____
16 City, Township or Village County
17 Ward _____ Precinct _____ Date of Election _____

18 =====

19 TO BE COMPLETED BY THE ABSENT VOTER

20 The undersigned asserts that he OR SHE is a legally registered
21 and qualified elector of the ~~Municipality~~ CITY, TOWNSHIP, OR
22 VILLAGE indicated above, that he OR SHE is voting ~~absentee~~ AS
23 AN ABSENT VOTER in conformity with statutory ~~restatements~~
24 REQUIREMENTS for so voting and that, unless indicated to the con-
25 trary below, the ballots were marked by him OR HER personally and
26 enclosed in this envelope without being exhibited to any other
27 person.

X _____
Signature of ~~Absentee~~ ABSENT Voter

The above form must be signed or your vote will not be counted.

=====

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING OR
INSERTING BALLOTS IN ENVELOPE BY ANOTHER PERSON

~~Assisted~~ THE UNDERSIGNED ASSISTED the above named ELDERLY
OR disabled voter in marking ~~his~~ THESE ABSENT VOTER ballots in
accordance with ~~his~~ THAT VOTER'S directions ONLY OR BY INSERT-
ING THE BALLOTS IN THE RETURN ENVELOPE, OR BOTH. ~~The~~ IF THE
UNDERSIGNED ASSISTED THE VOTER BY INSERTING THE BALLOTS IN THE
RETURN ENVELOPE, THE ballots were inserted in the return envelope
without being exhibited to any other person.

Signature of Person Street Address or R.R. City, Twp. or Village
Assisting Voter
=====

ANY PERSON MAKING A FALSE STATEMENT ON THIS FORM IS

GUILTY OF A MISDEMEANOR.

Sec. 764a. The following instructions for an absent voter,
~~as defined by~~ AND A COPY OF section 758, shall be included with
each ballot or set of ballots furnished an absent voter.

INSTRUCTIONS FOR ABSENT VOTERS

Step 1. On the absent voter ballot enclosed you will find
voting instructions. Read these carefully and then vote the
ballot.

1 Step 2. After voting a ballot, prepare it for placing in
2 the return envelope addressed to the clerk in the manner directed
3 in the voting instructions.

4 Step 3. Place the ballot or ballots in the return envelope
5 and securely seal the envelope.

6 Step 4. Sign the return envelope in the place designated.
7 Your signature must appear on the return envelope or the ballot
8 will not be counted.

9 Step 5. Deliver the return envelope IN THE MANNER DESCRIBED
10 IN A OR B BELOW, WHICHEVER APPLIES TO YOU:

11 (A) IF YOU ARE APPLYING FOR AN ABSENT VOTER BALLOT IN PERSON
12 AT THE CLERK'S OFFICE, YOU MUST RECEIVE AND VOTE YOUR ABSENT
13 VOTER BALLOT IN THE CLERK'S OFFICE AND PERSONALLY DELIVER THE
14 VOTED ABSENT VOTER BALLOT TO THE CLERK OR TO AN AUTHORIZED
15 ASSISTANT OF THE CLERK.

16 (B) IF (A) DOES NOT APPLY TO YOU, THEN YOUR BALLOT MUST
17 REACH THE CLERK OR AN AUTHORIZED ASSISTANT OF THE CLERK BEFORE
18 THE CLOSE OF THE POLLS ON ELECTION DAY by 1 of the following
19 methods:

20 (I) ~~(a)~~ Place the necessary postage upon the return
21 envelope and deposit it in the United States mail.

22 (II) ~~(b)~~ Deliver the envelope personally to the office of
23 the clerk, to the clerk, or to an authorized assistant of the
24 clerk.

25 (III) ~~(c)~~ In either ~~(a) or (b)~~ (I) OR (II), a PERSON
26 RESIDING IN THE VOTER'S HOUSEHOLD OR A member of the immediate
27 family of the voter, including a father-in-law, mother-in-law,

1 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
 2 grandparent, or grandchild, ~~or a person residing in the voter's~~
 3 ~~household~~ may mail or deliver a ballot for the voter.

4 (IV) ~~(d)~~ In the event a voter cannot return the ballot in
 5 any of the ~~above~~ methods SET FORTH IN (I) TO (III), the voter
 6 may select any registered elector to return the ballot. The
 7 person returning the ballot must sign and return the following
 8 certificate to the clerk at the time of delivery of the ballot:

9 I certify that my name is and my
 10 address is; that I am delivering the
 11 ballot of at his/her request; that I did
 12 not solicit or request to return the ballot; that I have not
 13 opened the envelope containing the ballot, ~~, have not~~ made any
 14 markings on the ballot, ~~, have not~~ altered the ballot in any
 15 way, ~~, have not~~ substituted another ballot given to me for
 16 delivery, ~~, have not~~ OR influenced the voter in the voting of
 17 the ballot; and THAT I am aware that a false statement in this
 18 certificate is a violation of the Michigan election law.

19 ~~Step 6. The ballot must reach the clerk or an authorized~~
 20 ~~assistant of the clerk before the close of the polls on election~~
 21 ~~day.~~

22 WARNING

23 It is a violation of Michigan election law to vote an absent
 24 voter ballot at a meeting or gathering at which other people are
 25 voting absent voter ballots. It is a violation of Michigan elec-
 26 tion law for a person other than those listed in these
 27 instructions to return, offer to return, agree to return, or

1 solicit to return your ballot to the clerk. An authorized
2 assistant of the clerk who receives ballots at a location other
3 than the office of the clerk must have credentials signed by the
4 clerk. Ask to see the credentials before entrusting your ballot
5 ~~with~~ TO a person claiming to be authorized to return your
6 ballot to the clerk.

7 Sec. 764b. (1) ~~An absent voter's~~ ABSENT VOTER ballots
8 shall be delivered to the clerk only as authorized in the
9 instructions for an absent voter provided in section 764a.

10 (2) The clerk of a city, township, or village may accept
11 delivery of absent voter ballots at any location in the city,
12 township, or village EXCEPT BALLOTS REQUIRED IN THE INSTRUCTIONS
13 FOR AN ABSENT VOTER PROVIDED IN SECTION 764A TO BE VOTED AND
14 DELIVERED IN THE OFFICE OF THE CLERK.

15 (3) The clerk of a city, township, or village may appoint
16 the number of assistants necessary to accept delivery of absent
17 voter ballots at any location in the city, township, or village.
18 An appointment as assistant to accept delivery of absent voter
19 ballots shall be for 1 election only. ~~An~~ THE CLERK SHALL FUR-
20 NISH AN assistant ~~so~~ appointed to receive ballots at a location
21 other than the office of the clerk ~~shall be furnished~~ WITH cre-
22 dentials of authority. ~~by the clerk.~~ If an ASSISTANT RECEIVES
23 AN absent ~~voter's~~ VOTER ballot ~~is received by an assistant~~ at
24 ~~any~~ A location other than the clerk's office, the ~~credentials~~
25 ASSISTANT shall, upon request, ~~be exhibited by the assistant~~
26 EXHIBIT THE CREDENTIALS to the absent voter before the assistant
27 accepts ~~an~~ THE absent voter ballot. An assistant, before

1 entering upon the discharge of duties, shall take and subscribe
2 to the oath of office as provided in section 1 of article ~~++~~ XI
3 of the state constitution of 1963. An assistant shall perform
4 only the duties assigned by the clerk. A ~~person~~ CLERK shall
5 not ~~be appointed~~ APPOINT as an assistant to accept delivery of
6 absent voter ballots A PERSON who is a candidate, or a member of
7 the immediate family of a candidate, appearing on the ballot at
8 that election.

9 (4) An absent voter ballot received by the clerk before the
10 close of the polls on election day shall not be invalidated
11 solely because the delivery to the clerk was not in compliance
12 with section 764a or this section. ~~, however~~ HOWEVER, the
13 ballot shall be ~~deemed~~ CONSIDERED to be challenged and shall be
14 marked and processed as provided in section 745.

15 Section 2. Section 764 of Act No. 116 of the Public Acts of
16 1954, being section 168.764 of the Michigan Compiled Laws, is
17 repealed.