

SENATE BILL No. 258

March 16, 1989, Introduced by Senator FESSLER and
referred to the Committee on Government Operations.

A bill to amend sections 758, 759, and 769 of Act No. 116 of
the Public Acts of 1954, entitled
"Michigan election law,"
section 759 as amended by Act No. 201 of the Public Acts of 1982,
being sections 168.758, 168.759, and 168.769 of the Michigan
Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 758, 759, and 769 of Act No. 116 of the
2 Public Acts of 1954, section 759 as amended by Act No. 201 of the
3 Public Acts of 1982, being sections 168.758, 168.759, and 168.769
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 758. ~~—(1) For the purposes of this act, "absent voter"~~
6 ~~means a qualified and registered elector:~~

7 ~~(a) Who, on account of physical disability, cannot without~~
8 ~~another's assistance attend the polls on the day of an election.~~

1 ~~(b) Who, on account of the tenets of his religion, cannot~~
2 ~~attend the polls on the day of election.~~

3 ~~(c) Who cannot attend the polls on the day of an election in~~
4 ~~the precinct in which he resides because of being an election~~
5 ~~precinct inspector in another precinct.~~

6 ~~(d) Who is 60 years of age or more.~~

7 ~~(e) Who is absent or expects to be absent from the township~~
8 ~~or city in which he or she resides during the entire period the~~
9 ~~polls are open for voting on the day of an election.~~

10 ~~(f) Who cannot attend the polls on election day because of~~
11 ~~being confined in jail awaiting arraignment or trial.~~

12 ~~(2) Subsection (1) shall not be applicable to~~ FOR THE PUR-
13 POSES OF THIS ACT, "ABSENT VOTER" MEANS A QUALIFIED AND REGIS-
14 TERED ELECTOR. ABSENT VOTER DOES NOT INCLUDE a person who ~~has~~
15 ~~moved~~ MOVES to another state, regardless of length of residence
16 ~~therein~~ IN THAT STATE, and who no longer maintains ~~an actual~~
17 A residence in Michigan. The storage of personal effects or
18 household goods, the ownership of property ~~which~~ THAT is rented
19 or leased to others, or occasional brief visits to a former
20 Michigan domicile while residing elsewhere for most of the year
21 ~~shall~~ DO not constitute a residence for voting purposes in this
22 state, except as defined in section 1 of article ~~2~~ II of the
23 state constitution of 1963 and statutes enacted ~~thereunder,~~
24 UNDER THAT SECTION and except IN THE CASE OF former residents of
25 Michigan domiciled in the District of Columbia ~~,~~ or ~~to former~~
26 ~~residents who are~~ serving in the United States army, navy,
27 merchant marine, marine corps, or air force.

1 Sec. 759. (1) ~~At any time during~~ DURING the 75 days
2 preceding a primary or special primary, but not later than 2
3 p.m. of the Saturday immediately before the primary or special
4 primary, ~~a voter~~ AN ELECTOR who qualifies to vote as an absent
5 voter, as defined in section 758, may apply to the township,
6 city, or village clerk, either in person or by mail, to vote
7 absentee. An application received before a primary or special
8 primary may be for either that primary only ~~or~~ or ~~for~~ that
9 primary and the election which follows.

10 (2) ~~At any time during~~ DURING the 75 days preceding ~~any~~
11 ~~other~~ AN election OTHER THAN A PRIMARY OR SPECIAL PRIMARY, but
12 not later than 2 p.m. of the Saturday before the election, ~~a~~
13 ~~voter~~ AN ELECTOR who qualifies to vote as an absent voter, as
14 defined in section 758, may apply to the township, city, or vil-
15 lage clerk, either in person or by mail, to vote absentee.

16 (3) An application under this section may be made in any of
17 the following ways:

18 (a) By a written request signed by the ~~voter stating the~~
19 ~~statutory grounds for making the application~~ ELECTOR.

20 (b) On an application form provided for that purpose by the
21 clerk of the city, township, or village.

22 (c) On a federal postcard application.

23 (4) The clerk of the city, township, or village shall have
24 application forms available in the office of the clerk ~~at all~~
25 ~~times~~ and shall furnish an application form ~~to anyone~~ upon a
26 verbal or written request. The application shall be in

1 substantially the following form and shall be signed by the
2 applicant:

3 "Application for absent voter's ballot for:

4 ☐ The primary or special primary election to be held
5 on , 19... .

6 ☐ The election to be held on , 19... .

7 (Check applicable election or elections)

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

15 ~~The statutory grounds on which I base my request are:~~

16 ☐ ~~I expect to be absent from the community in which I am~~
17 ~~registered for the entire time the polls are open on election~~
18 ~~day.~~

19 ☐ ~~I am physically unable to attend the polls without the~~
20 ~~assistance of another.~~

21 ☐ ~~I cannot attend the polls because of the tenets of my~~
22 ~~religion.~~

23 ☐ ~~I have been appointed an election precinct inspector in a~~
24 ~~precinct other than the precinct where I reside.~~

~~{ } I am 60 years of age or older.~~

~~{ } I cannot attend the polls because I am confined to jail
awaiting arraignment or trial.~~

~~(Check applicable reason)~~

Send absent voter's ballot to me at:

.....

(Street No. or R.R.)

.....

(Post Office) (State)

My registered address.....

(Street No. or R.R.)

.....

(Post Office) (State)

Date.....

I declare THAT the ~~foregoing~~ statements ~~to be~~ IN THIS
APPLICATION ARE true.

.....

(Signature)

A person making a false statement in this declaration is
guilty of a misdemeanor."

(5) A person who makes a false statement in an application
for an absent voter's ballot is guilty of a misdemeanor.

Sec. 769. (1) The provisions of this chapter ~~shall not be~~
~~construed so as to~~ DO NOT prohibit ~~any~~ AN absent voter
~~, returning to his place of residence,~~ from voting in person
within his OR HER precinct at ~~any regular or special election or~~
~~official primary~~ AN election, notwithstanding that he ~~may have~~

1 ~~made application~~ OR SHE APPLIES for an absent voter's ballot and
2 the ~~same may have been~~ BALLOT IS mailed by the ~~said~~ clerk.

3 ~~Provided, That such voter has not availed himself of~~

4 (2) SUBSECTION (1) APPLIES ONLY IF THE ELECTOR DOES NOT
5 EXERCISE the privileges of an absent voter, as provided by this
6 chapter ~~and~~ ~~voted any such~~ VOTE AN ABSENT VOTER'S ballot
7 mailed ~~him~~ by the ~~said~~ clerk, and ~~provided also that he~~ IF
8 THE ELECTOR returns ~~such~~ THE ballot or ballots ~~if~~ received
9 ~~to~~ to the board of inspectors of election in his OR HER

10 precinct. ~~In case any~~ IF AN absent voter ballot is so
11 returned, ~~it shall, by said~~ THE board ~~be marked "cancelled"~~
12 ~~and placed~~ SHALL MARK IT "CANCELED" AND PLACE IT in the regular
13 box with other ~~cancelled~~ CANCELED ballots. ~~Any voter~~

14 (3) A PERSON voting at ~~any~~ AN election, both in person and
15 by means of an absent voter ballot, or who ~~shall attempt~~
16 ATTEMPTS so to vote, ~~shall, on conviction, be deemed~~ IS guilty
17 of a felony.