

HOUSE BILL No. 4460

April 13, 1999, Introduced by Reps. Shulman, DeWeese, Kowall, Gosselin, Voorhees, Godchaux, Birkholz, Middaugh, Schauer, Mortimer, Pappageorge, Julian, Richner, Jamnick, Bogardus, Jansen, Ehardt and Scranton and referred to the Committee on Constitutional Law 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 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. ~~-(1) For the purposes of this act, "absent voter"~~
2 ~~means a qualified and registered elector who meets 1 or more of~~
3 ~~the following requirements:~~
4 ~~(a) On account of physical disability, cannot without~~
5 ~~another's assistance attend the polls on the day of an election.~~
6 ~~(b) On account of the tenets of his or her religion, cannot~~
7 ~~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~~ AS USED IN THIS ACT,
11 "ABSENT VOTER" MEANS A QUALIFIED AND REGISTERED ELECTOR WHO
12 WISHES TO VOTE WITHOUT ATTENDING THE POLLS ON THE DAY OF AN
13 ELECTION. ABSENT VOTER DOES NOT INCLUDE a person who has moved
14 outside of this state, regardless of length of his or her resi-
15 dence outside of this state, and who no longer maintains an
16 actual residence in this state. The storage of personal effects
17 or household goods, the ownership of property that is rented or
18 leased to others, or occasional brief visits to a former domicile
19 in this state while residing outside of this state for most of
20 the year does not constitute a residence for voting purposes in
21 this state, except for each of the following:

22 (a) A person described in section 1 of article II of the
23 state constitution of 1963 and statutes enacted under that
24 section.

25 (b) A person described in section 759a.

26 Sec. 759. (1) At any time during the 75 days before a
27 primary or special primary, but not later than 2 p.m. of the

1 Saturday immediately before the primary or special primary, an
2 elector who qualifies to vote as an absent voter, as defined in
3 section 758, may apply for an absent voter ballot. The elector
4 shall apply ~~in person or by mail~~ with the clerk of the town-
5 ship, city, or village in which the elector is registered. An
6 application received before a primary or special primary may be
7 for either that primary only, or for that primary and the elec-
8 tion that follows.

9 (2) Except as otherwise provided in subsection (1), at any
10 time during the 75 days before an election, but not later than
11 2 p.m. of the Saturday before the election, an elector who quali-
12 fies to vote as an absent voter, as defined in section 758, may
13 apply for an absent voter ballot. The elector shall apply ~~in~~
14 ~~person or by mail~~ with the clerk of the township, city, or vil-
15 lage in which the voter is registered.

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

18 (a) By a written request signed by the ~~voter stating the~~
19 ~~statutory grounds for making the application~~ ELECTOR AND DELIV-
20 ERED TO THE CLERK IN PERSON, BY MAIL, OR, WHERE AVAILABLE, BY
21 FACSIMILE TRANSMISSION.

22 (b) On an absent voter ballot application form ~~provided~~
23 ~~for~~ that ~~purpose by~~ the clerk of the city, township, or vil-
24 lage PROVIDES THE ABSENT VOTER, AND WHICH THE ABSENT VOTER
25 RETURNS TO THE CLERK IN PERSON, BY MAIL, OR, WHERE AVAILABLE, BY
26 FACSIMILE TRANSMISSION.

1 (c) On a federal postcard application THAT THE ABSENT VOTER
2 RETURNS TO THE CLERK IN PERSON, BY MAIL, OR, WHERE AVAILABLE, BY
3 FACSIMILE TRANSMISSION.

4 (4) An applicant for an absent voter ballot shall sign the
5 application. A clerk or assistant clerk shall not deliver an
6 absent voter ballot to an applicant who does not sign the
7 application. A person other than the applicant; a member of the
8 applicant's immediate family; a person residing in the
9 applicant's household; a person whose job normally includes the
10 handling of mail, but only during the course of his or her
11 employment; a registered elector requested by the applicant; or a
12 clerk, assistant of the clerk, or other authorized election offi-
13 cial shall not be in possession of a signed absent voter ballot
14 application. A registered elector who is requested by the appli-
15 cant to return his or her absent voter ballot application shall
16 sign the certificate on the absent voter ballot application.

17 (5) The clerk of the city, township, or village shall have
18 absent voter ballot application forms available in the office of
19 the clerk at all times and shall furnish an absent voter ballot
20 application form to anyone upon a verbal or written request. The
21 absent voter ballot application shall be in substantially the
22 following form:

23 "Application for absent voter ballot for:

24

25 [] The primary or special primary election to be held
26 on , 19... .

1 The election to be held on , 19... .

2 (Check applicable election or elections)

3 I, , a qualified and registered elector of
4 the precinct of the township of or village
5 of or of the ward of the city
6 of , in the county of and state of
7 Michigan, apply for an official ballot, or ballots, to be voted
8 by me at the election or elections as requested in this
9 application.

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

11 ~~I expect to be absent from the community in which I am
12 registered for the entire time the polls are open on election
13 day.~~

14 ~~I am physically unable to attend the polls without the
15 assistance of another.~~

16 ~~I cannot attend the polls because of the tenets of my
17 religion.~~

18 ~~I have been appointed an election precinct inspector in a
19 precinct other than the precinct where I reside.~~

20 ~~I am 60 years of age or older.~~

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

23 ~~(Check applicable reason)~~

24 Send absent voter ballot to me at:

25
26 (Street No. or R.R.)

27
28 (Post Office) (State)

1 My registered address.....
2 (Street No. or R.R.)
3
4 (Post Office) (State)

5 Date.....

6 I declare that the statements in this absent voter ballot
7 application are true.

8
9 (Signature)

WARNING

10 A person making a false statement in this absent voter
11 ballot application is guilty of a misdemeanor. It is a violation
12 of Michigan election law for a person other than those listed in
13 the instructions to return, offer to return, agree to return, or
14 solicit to return your absent voter ballot application to the
15 clerk. An assistant authorized by the clerk who receives absent
16 voter ballot applications at a location other than the office of
17 the clerk must have credentials signed by the clerk. Ask to see
18 his or her credentials before entrusting your application with a
19 person claiming to have the clerk's authorization to return your
20 application.
21

22 Certificate of Authorized Registered
23 Elector Returning Absent Voter
24 Ballot Application

25 I certify that my name is, my address
26 is, and my date of birth is;
27 that I am delivering the absent voter ballot application of
28 at his or her request; that I did not
29 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 fur-
 9 nished 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) Place the application in an envelope addressed to the
 18 appropriate clerk and place the necessary postage upon the return
 19 envelope and deposit it in the United States mail or with another
 20 public postal service, express mail service, parcel post service,
 21 or common carrier.

22 (b) Deliver the application personally to the office of the
 23 clerk, to the clerk, or to an authorized assistant of the clerk.

24 (c) In either (a) or (b), a member of the immediate family
 25 of the voter including a father-in-law, mother-in-law,
 26 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
 27 grandparent, or grandchild or a person residing in the voter's

1 household may mail or deliver the application to the clerk for
2 the applicant.

3 (d) In the event an applicant cannot return the application
4 in any of the above methods, the applicant may select any regis-
5 tered elector to return the application. The person returning
6 the application must sign and return the certificate at the
7 bottom of the application.

8 (7) A person who prints and distributes absent voter ballot
9 applications shall print on the application the warning, certifi-
10 cate of authorized registered elector returning absent voter
11 ballot application, and instructions required by this section.

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