

HOUSE BILL No. 4481

March 10, 2005, Introduced by Reps. Gaffney, Van Regenmorter, Robertson, Vander Veen, Mortimer, Ball, Gleason, Wojno, Byrnes, Accavitti, Gonzales, Ward, Baxter, Palsrok, Pastor, Hummel, Kooiman, Hune, Nofs, Stahl, Marleau, Stakoe, Huizenga, Sheen, Emmons, Wenke, Farhat and Whitmer and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) A MEMBER OF THE ARMED SERVICES OR AN OVERSEAS
2 VOTER WHO IS NOT REGISTERED, BUT POSSESSED THE QUALIFICATIONS OF AN
3 ELECTOR UNDER SECTION 492, OTHER THAN THE REQUIREMENT OF RESIDING
4 IN THE CITY, TOWNSHIP, OR VILLAGE ON OR BEFORE THE THIRTIETH DAY
5 BEFORE THE NEXT REGULAR, PRIMARY, OR SPECIAL ELECTION, MAY APPLY
6 FOR REGISTRATION BY USING THE FEDERAL POSTCARD APPLICATION. THE
7 DEPARTMENT OF STATE, BUREAU OF ELECTIONS, IS RESPONSIBLE FOR
8 DISSEMINATING INFORMATION ON THE PROCEDURES FOR REGISTERING AND

1 **VOTING TO ABSENT ARMED SERVICES AND OVERSEAS VOTERS.**

2 (2) ~~(1) Except as provided in subsection (5), each~~ **EACH** of
 3 the following persons who is a qualified elector of a city,
 4 **VILLAGE**, or township in this state and who is not a registered
 5 voter may apply for an absent voter ballot: ~~pursuant to section~~
 6 ~~504:~~

7 (a) A civilian employee of the armed services outside of the
 8 United States.

9 (b) A member of the armed services outside of the United
 10 States.

11 (c) A citizen of the United States temporarily residing
 12 outside the territorial limits of the United States.

13 (d) A citizen of the United States residing in the District of
 14 Columbia.

15 (e) A spouse or dependent of a person described in
 16 subdivisions (a) through (d) who is a citizen of the United States
 17 and who is accompanying that person, ~~notwithstanding that~~ **EVEN**
 18 **THOUGH** the spouse or dependent is not a qualified elector of a
 19 city, **VILLAGE**, or township of this state, ~~as long as~~ **IF** that
 20 spouse or dependent is not a qualified and registered elector
 21 anywhere else in the United States.

22 ~~—— (2) A citizen described in subsection (1) other than a person~~
 23 ~~described in subsection (1)(b) or a spouse or dependent of such a~~
 24 ~~person described in subsection (1)(b) shall include, with an~~
 25 ~~application for an absent voter ballot or registration, an~~
 26 ~~affidavit in a form and manner approved by the state director of~~
 27 ~~elections stating either of the following:~~

1 ~~—— (a) His or her qualifications as an elector at the time he or~~
2 ~~she departed from the United States or began residing in the~~
3 ~~District of Columbia and affirming that he or she has not~~
4 ~~relinquished his or her citizenship or established residence for~~
5 ~~voting in any other place.~~

6 ~~—— (b) That he or she is a spouse or dependent of a person~~
7 ~~described in subsection (1)(a), (c), or (d), that he or she meets~~
8 ~~the qualifications as an elector other than residency in this~~
9 ~~state, and that he or she has not established a residence for~~
10 ~~voting in any other place.~~

11 (3) Upon receipt of an application under this section that
12 complies with this act, a city, **VILLAGE**, or township clerk shall
13 forward to the applicant the absent voter ballots requested, the
14 forms necessary for registration, and instructions for completing
15 the forms. If the ballots are not yet available at the time of
16 receipt of the application, the clerk shall immediately forward to
17 the applicant the registration forms and instructions, and forward
18 the ballots as soon as they are available. If the ballots and
19 registration forms are received before the close of the polls on
20 election day and if the registration complies with the requirements
21 of this act, the absent voter ballots shall be delivered to the
22 proper election board to be voted. If the registration does not
23 comply with the requirements of this act, the clerk shall retain
24 the absent voter ballots until the expiration of the time that the
25 voted ballots must be kept and shall then destroy the ballots
26 without opening the envelope. The clerk may retain registration
27 forms completed under this section in a separate file. The address

1 in this state shown on a registration form is the residence of the
2 registrant.

3 (4) The size of a precinct shall not be determined by
4 registration forms completed under this section.

5 (5) ~~A person described in subsection (1)(a) and (b) and a~~
6 ~~spouse or dependent of that person who is accompanying that person~~
7 ~~is registered to vote in a special primary or special general~~
8 ~~election if he or she was registered to vote under this section in~~
9 ~~the primary or general election immediately preceding the special~~
10 ~~primary or special general election. The city or township clerk who~~
11 ~~received that person's completed registration forms in the primary~~
12 ~~or general election shall forward to that person at his or her last~~
13 ~~known address an absent voter ballot for the special primary or~~
14 ~~special general election immediately upon the clerk's receipt of~~
15 ~~the absent voter ballots for the special primary or special general~~
16 ~~election.~~ **A QUALIFIED ELECTOR, INCLUDING A MEMBER OF THE ARMED**
17 **SERVICES OR AN OVERSEAS VOTER WHO REGISTERS TO VOTE BY FEDERAL**
18 **POSTCARD APPLICATION UNDER SUBSECTION (1), WHO APPLIES TO VOTE AS**
19 **AN ABSENT VOTER BY FEDERAL POSTCARD APPLICATION IS ELIGIBLE TO VOTE**
20 **AS AN ABSENT VOTER IN ANY LOCAL OR STATE ELECTION, INCLUDING ANY**
21 **SCHOOL ELECTION, OCCURRING IN THE CALENDAR YEAR IN WHICH THE**
22 **FEDERAL POSTCARD APPLICATION IS RECEIVED BY THE CITY, VILLAGE, OR**
23 **TOWNSHIP CLERK, BUT NOT IN AN ELECTION FOR WHICH THE APPLICATION IS**
24 **RECEIVED BY THE CLERK AFTER 2 P.M. OF THE SATURDAY BEFORE THE**
25 **ELECTION. A CITY OR TOWNSHIP CLERK RECEIVING A FEDERAL POSTCARD**
26 **APPLICATION SHALL TRANSMIT TO A VILLAGE CLERK AND SCHOOL DISTRICT**
27 **ELECTION COORDINATOR, WHERE APPLICABLE, THE NECESSARY INFORMATION**

1 TO ENABLE THE VILLAGE CLERK AND SCHOOL DISTRICT ELECTION
2 COORDINATOR TO FORWARD AN ABSENT VOTER BALLOT FOR EACH APPLICABLE
3 ELECTION IN THAT CALENDAR YEAR TO THE QUALIFIED ELECTOR SUBMITTING
4 THE FEDERAL POSTCARD APPLICATION. IF THE LOCAL ELECTIONS OFFICIAL
5 REJECTS A REGISTRATION OR ABSENT VOTER BALLOT APPLICATION SUBMITTED
6 ON A FEDERAL POSTCARD APPLICATION BY AN ABSENT ARMED SERVICES OR
7 OVERSEAS VOTER, THE ELECTION OFFICIAL SHALL NOTIFY THE ARMED
8 SERVICES OR OVERSEAS VOTER OF THE REJECTION.

9 (6) ~~Pursuant to~~ UNDER the uniformed and overseas citizens
10 absentee voting act, ~~Public Law 99-410, 100 Stat. 924~~ **42 USC**
11 **1973FF TO 1973FF-6**, the state director of elections shall approve a
12 ballot form and registration procedures for electors in the armed
13 services and electors outside the United States, including the
14 spouses and dependents accompanying those electors.

15 (7) As used in this section, "armed services" means any of the
16 following:

17 (a) The United States army, navy, air force, marine corps, or
18 coast guard.

19 (b) The United States merchant ~~marines~~ **MARINE**.

20 (c) A reserve component of an armed service listed in
21 subdivision (a) or (b).

22 (d) The Michigan national guard as defined in section 105 of
23 the Michigan military act, 1967 PA 150, MCL 32.505.

24 Enacting section 1. Section 504 of the Michigan election law,
25 1954 PA 116, MCL 168.504, is repealed.