

HOUSE BILL No. 5705

February 16, 2006, Introduced by Reps. Elsenheimer and Gaffney 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 761 (MCL 168.761), as amended by 2005 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761. (1) If the clerk of a city, township, or village
2 receives an application for an absent voter ballot from a person
3 registered to vote in that city, township, or village and if the
4 signature on the application agrees with the signature for the
5 person contained in the qualified voter file or on the
6 registration card as required in subsection (2), the clerk
7 immediately upon receipt of the application or, if the
8 application is received before the printing of the absent voter
9 ballots, as soon as the ballots are received by the clerk, shall
10 forward by mail, postage prepaid, or shall deliver personally 1

1 of the ballots or set of ballots if there is more than 1 kind of
2 ballot to be voted to the applicant. Absent voter ballots may be
3 delivered to an applicant in person at the **CLERK'S** office. ~~of~~
4 ~~the clerk.~~

5 (2) The qualified voter file shall be used to determine the
6 genuineness of a signature on an application for an absent voter
7 ballot. Signature comparisons shall be made with the digitized
8 signature in the qualified voter file. If the qualified voter
9 file does not contain a digitized signature of an elector, or is
10 not accessible to the clerk, the city or township clerk shall
11 compare the signature appearing on the application for an absent
12 voter ballot to the signature contained on the master card.

13 (3) Notwithstanding section 759, providing that no absent
14 voter **BALLOT** applications shall be received by the clerk after 2
15 p.m. on the Saturday before the election, a person qualified to
16 vote as an absent voter may apply in person at the clerk's office
17 before 4 p.m. on a day preceding the election except Sunday or a
18 legal holiday to vote as an absent voter. The applicant shall
19 receive his or her absent voter ballot and vote the ballot in the
20 clerk's office. All other absent voter ballots, except ballots
21 delivered pursuant to an emergency absent voter ballot
22 application under section 759b, shall be mailed or delivered to
23 the **APPLICANT'S** registration address ~~of the applicant~~ unless
24 the application requests delivery to an address outside the city,
25 village, or township or to a hospital or similar institution, in
26 which case the absent voter ballots shall be mailed or delivered
27 to the address given in the application. However, a clerk may

1 mail or deliver an absent voter ballot, upon request of the
 2 absent voter, to a post office box if the post office box is
 3 where the absent voter normally receives personal mail and the
 4 absent voter does not receive mail at his or her registration
 5 address.

6 (4) Absent voter ballots shall be issued in the same order
 7 in which applications are received by the clerk of a city,
 8 township, or village, as nearly as may be, and each ballot issued
 9 shall bear the lowest number of each kind available for this
 10 purpose. However, this provision does not prohibit a clerk from
 11 immediately issuing an absent voter ballot to an absent voter who
 12 applies in person in the clerk's office for ~~AN~~ absent voter
 13 ~~ballots~~ **BALLOT**. The clerk shall enclose with the ballot or
 14 ballots a return envelope properly addressed to the clerk and
 15 bearing upon the back of the envelope a printed statement in
 16 substantially the following form:

17 TO BE COMPLETED

18 BY THE CLERK

19 _____
 20 Name of Voter Street Address or R.R.
 21 _____
 22 City, Township or Village County
 23 Ward _____ Precinct _____ Date of Election _____

24 =====

25 TO BE COMPLETED BY THE ABSENT VOTER

26 I assert that I am a qualified and registered elector of the

1 city, township, or village named above. I am voting as an absent
 2 voter in conformity with state election law. Unless otherwise
 3 indicated below, I personally marked the ballot enclosed in this
 4 envelope without exhibiting it to any other person.

5 I further assert that this absent voter ballot is being
 6 returned to the clerk or an assistant of the clerk by me
 7 personally; by public postal service, express mail service,
 8 parcel post service, or other common carrier; by a member of my
 9 immediate family; or by a person residing in my household.

10 ~~DATE: _____ SIGN HERE: X _____~~
 11 ~~Signature of Absent Voter~~

12 **SIGN: _____ PRINT: _____**
 13 **SIGNATURE OF ABSENT VOTER PRINTED NAME OF ABSENT VOTER**
 14 **DATE: _____**

15 The above form must be signed or your vote will not be
 16 counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT
 17 IS GUILTY OF A MISDEMEANOR.

18 =====
 19 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
 20 BY ANOTHER PERSON

21 I assisted the above named absent voter who is disabled or
 22 otherwise unable to mark the ballot in marking his or her absent
 23 voter ballot pursuant to his or her directions. The absent voter
 24 ballot was inserted in the return envelope without being
 25 exhibited to any other person.

1			
2	Signature of Person Assisting Voter	Street Address or R.R.	City, Twp., or Village

4 Printed Name of Person Assisting Voter

5 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A

6 FALSE STATEMENT IS GUILTY OF A FELONY.

7 =====

8 WARNING

9 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
10 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
11 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
12 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
13 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
14 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
15 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
16 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
17 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
18 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
19 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
20 VOTER BALLOT IS GUILTY OF A FELONY.

21 (5) An absent voter who knowingly makes a false statement on
22 the absent voter ballot return envelope is guilty of a

- 1 misdemeanor. A person who assists an absent voter and who
- 2 knowingly makes a false statement on the absent voter ballot
- 3 return envelope is guilty of a felony.