

# HOUSE BILL No. 4553

March 29, 2007, Introduced by Reps. Corriveau, Condino, Bieda, McDowell, Lahti, LeBlanc, Byrum, Ebli, Valentine, Brown, Gaffney and Simpson and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759 (MCL 168.759), as amended by 1995 PA 261.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

1 election that follows.

2 (2) Except as otherwise provided in subsection (1), at any  
3 time during the 75 days before an election, but not later than 2  
4 p.m. of the Saturday before the election, an elector who  
5 qualifies to vote as an absent voter, as defined in section 758,  
6 may apply for an absent voter ballot. The elector shall apply in  
7 person or by mail with the clerk of the township, city, or  
8 village in which the voter is registered.

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

11 (a) By a written request signed by the voter stating the  
12 statutory grounds for making the application.

13 (b) On an absent voter ballot application form provided for  
14 that purpose by the clerk of the city, township, or village.

15 (c) On a federal postcard application.

16 (4) An applicant for an absent voter ballot shall sign the  
17 application. A clerk or assistant clerk shall not deliver an  
18 absent voter ballot to an applicant who does not sign the  
19 application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A**  
20 **SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant;  
21 a member of the applicant's immediate family; a person residing  
22 in the applicant's household; a person whose job normally  
23 includes the handling of mail, but only during the course of his  
24 or her employment; a registered elector requested by the  
25 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the  
26 clerk, or other authorized election official. ~~shall not be in~~  
27 ~~possession of a signed absent voter ballot application. A~~

1 registered elector who is requested by the applicant to return  
2 his or her absent voter ballot application shall sign the  
3 certificate on the absent voter ballot application.

4 (5) The clerk of the city, township, or village shall have  
5 absent voter ballot application forms available in the **CLERK'S**  
6 office ~~of the clerk~~ at all times and shall furnish an absent  
7 voter ballot application form to anyone upon a verbal or written  
8 request. **IN ADDITION, THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE**  
9 **MAY FORWARD AN ABSENT VOTER BALLOT APPLICATION FORM TO A**  
10 **QUALIFIED AND REGISTERED ELECTOR WHO IS 60 YEARS OF AGE OR OLDER,**  
11 **EVEN IF THE ELECTOR HAS NOT REQUESTED AN ABSENT VOTER BALLOT**  
12 **APPLICATION FORM UNDER THIS SECTION.** The absent voter ballot  
13 application shall be in substantially the following form:

14 "Application for absent voter ballot for:

15 [ ] The primary or special primary election to be held on  
16 ~~....., 19...~~ \_\_\_\_\_ **(DATE)** .

17 [ ] The election to be held on ~~....., 19...~~ \_\_\_\_\_  
18 **(DATE)** .

19 (Check applicable election or elections)

20 I, ..... , a qualified and  
21 registered elector of the ..... precinct of the township  
22 of ..... or village of ..... or of the .....  
23 ward of the city of ..... , in the  
24 county of ..... and state of  
25 Michigan, apply for an official ballot, or ballots, to be voted  
26 by me at the election or elections as requested in this  
27 application.

1 The statutory grounds on which I base my request are:

2 [ ] I expect to be absent from the community in which I am  
3 registered for the entire time the polls are open on election  
4 day.

5 [ ] I am physically unable to attend the polls without the  
6 assistance of another.

7 [ ] I cannot attend the polls because of the tenets of my  
8 religion.

9 [ ] I have been appointed an election precinct inspector in  
10 a precinct other than the precinct where I reside.

11 [ ] I am 60 years of age or older.

12 [ ] I cannot attend the polls because I am confined to jail  
13 awaiting arraignment or trial.

14 (Check applicable reason)

15 Send absent voter ballot to me at:

16 .....  
17 (Street No. or R.R.)

18 .....  
19 (Post Office) (State) (ZIP CODE)

20 My registered address .....  
21 (Street No. or R.R.)

22 .....  
23 (Post Office) (State) (ZIP CODE)

24 Date.....

25 I ~~declare~~ **CERTIFY** that the statements in this absent voter  
26 ballot application are true.

27 .....  
28 (Signature)

29 WARNING



1           (6) The following instructions for an applicant for an  
2 absent voter ballot shall be included with each application  
3 furnished an applicant:

4           INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

5           Step 1. After completely filling out the application, sign  
6 and date the application in the place designated. Your signature  
7 must appear on the application or you will not receive an absent  
8 voter ballot.

9           Step 2. Deliver the application by 1 of the following  
10 methods:

11           (a) Place the application in an envelope addressed to the  
12 appropriate clerk and place the necessary postage upon the return  
13 envelope and deposit it in the United States mail or with another  
14 public postal service, express mail service, parcel post service,  
15 or common carrier.

16           (b) Deliver the application personally to the **CLERK'S**  
17 office, ~~of the clerk,~~ to the clerk, or to an authorized assistant  
18 of the clerk.

19           (c) In either (a) or (b), a member of the immediate family  
20 of the voter including a father-in-law, mother-in-law, brother-  
21 in-law, sister-in-law, son-in-law, daughter-in-law, grandparent,  
22 or grandchild or a person residing in the voter's household may  
23 mail or deliver the application to the clerk for the applicant.

24           (d) ~~In the event~~ **IF** an applicant cannot return the  
25 application in any of the above methods, the applicant may select  
26 any registered elector to return the application. The person

1 returning the application must sign and return the certificate at  
2 the bottom of the application.

3 (7) A person who prints and distributes absent voter ballot  
4 applications shall print on the application the warning,  
5 certificate of authorized registered elector returning absent  
6 voter ballot application, and instructions required by this  
7 section.

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