

SENATE BILL No. 1398

June 23, 2010, Introduced by Senator McMANUS and referred to the Committee on Campaign and Election Oversight.

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
10 election that follows.

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

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

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

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

14 (c) On a federal postcard application.

15 (4) An applicant for an absent voter ballot shall sign the
16 application. A clerk or assistant clerk shall not deliver an
17 absent voter ballot to an applicant who does not sign the
18 application. **IN ADDITION, A CLERK OR ASSISTANT CLERK SHALL NOT**
19 **DELIVER AN ABSENT VOTER BALLOT TO AN APPLICANT WHO DOES NOT**
20 **PROVIDE 1 OF THE REQUIRED FORMS OF IDENTIFICATION AS PROVIDED ON**
21 **THE ABSENT VOTER BALLOT APPLICATION FORM.** A person ~~other than~~
22 **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT**
23 **APPLICATION EXCEPT FOR** the applicant; a member of the applicant's
24 immediate family; a person residing in the applicant's household;
25 a person whose job normally includes the handling of mail, but
26 only during the course of his or her employment; a registered
27 elector requested by the applicant **TO RETURN THE APPLICATION;** or

1 a clerk, assistant of the clerk, or other authorized election
2 official. ~~shall not be in possession of a signed absent voter~~
3 ~~ballot application.~~ A registered elector who is requested by the
4 applicant to return his or her absent voter ballot application
5 shall sign the certificate on the absent voter ballot
6 application.

7 (5) The clerk of the city, township, or village shall have
8 absent voter ballot application forms available in the **CLERK'S**
9 office ~~of the clerk~~ at all times and shall furnish an absent
10 voter ballot application form to anyone upon a verbal or written
11 request. The absent voter ballot application shall be in
12 substantially the following form:

13 "Application for absent voter ballot for:

14 [] The primary **ELECTION** or special primary election to be
15 held on ~~....., 19...~~ _____ [DATE].

16 [] The election to be held on ~~....., 19...~~
17 _____ [DATE].

18 (Check applicable election or elections)

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

27 I AM PROVIDING ONE OF THE FOLLOWING FORMS OF IDENTIFICATION

1 WITH MY ABSENT VOTER BALLOT APPLICATION:

2 [] MY MICHIGAN DRIVER'S LICENSE NUMBER OR PERSONAL
3 IDENTIFICATION CARD NUMBER _____.

4 [] THE LAST FOUR DIGITS OF MY SOCIAL SECURITY NUMBER
5 _____.

6 [] A COPY OF A CURRENT AND VALID PHOTO IDENTIFICATION, A
7 MILITARY IDENTIFICATION, OR A CURRENT (WITHIN THE LAST 12 MONTHS)
8 UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR
9 OTHER GOVERNMENT DOCUMENT, OTHER THAN A VOTER REGISTRATION
10 NOTIFICATION, THAT SHOWS MY NAME AND CURRENT ADDRESS.

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

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

15 [] I am physically unable to attend the polls without the
16 assistance of another.

17 [] I cannot attend the polls because of the tenets of my
18 religion.

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

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

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

24 (Check applicable reason)

25 Send absent voter ballot to me at:
26

1 (Street No. or R.R.)
 2
 3 (Post Office) (State) (ZIP CODE)
 4 My registered address
 5 (Street No. or R.R.)
 6
 7 (Post Office) (State) (ZIP CODE)
 8 Date.....
 9 I ~~declare~~**CERTIFY** that the statements in this absent voter
 10 ballot application are true.
 11
 12 (Signature)

13 WARNING

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

25 Certificate of Authorized Registered
 26 Elector Returning Absent Voter
 27 Ballot Application

28 I certify that my name is , my address

1 is , and my date of birth is ;
2 that I am delivering the absent voter ballot application of
3 at his or her request; that I did not
4 solicit or request to return the application; that I have not
5 made any markings on the application; that I have not altered the
6 application in any way; that I have not influenced the applicant;
7 and that I am aware that a false statement in this certificate is
8 a violation of Michigan election law.

9 _____
10 (Date) (Signature) "

11 (6) The following instructions for an applicant for an
12 absent voter ballot shall be included with each application
13 furnished an applicant:

14 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

15 Step 1. After completely filling out the application, sign
16 and date the application in the place designated. Your signature
17 must appear on the application or you will not receive an absent
18 voter ballot.

19 Step 2. Deliver the application by 1 of the following
20 methods:

21 (a) Place the application in an envelope addressed to the
22 appropriate clerk and place the necessary postage upon the return
23 envelope and deposit it in the United States mail or with another
24 public postal service, express mail service, parcel post service,
25 or common carrier.

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

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

8 (d) ~~In the event~~ **IF** an applicant cannot return the
9 application in any of the above methods, the applicant may select
10 any registered elector to return the application. The person
11 returning the application must sign and return the certificate at
12 the bottom of the application.

13 (7) A person who prints and distributes absent voter ballot
14 applications shall print on the application the warning,
15 certificate of authorized registered elector returning absent
16 voter ballot application, and instructions required by this
17 section.

18 (8) A person who makes a false statement in an absent voter
19 ballot application is guilty of a misdemeanor. A person who
20 forges a signature on an absent voter ballot application is
21 guilty of a felony. A person who is not authorized in this act
22 and who both distributes absent voter ballot applications to
23 absent voters and returns those absent voter ballot applications
24 to a clerk or assistant of the clerk is guilty of a misdemeanor.