

# SENATE BILL No. 49

January 20, 2011, Introduced by Senators BIEDA, GLEASON, JOHNSON, HOOD, WARREN, YOUNG, HOPGOOD, ANDERSON, HUNTER and WHITMER and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), 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~~ **AS USED IN** this act,  
 2 "absent voter" means a qualified and registered elector who ~~meets~~  
 3 ~~1 or more of the following requirements:~~  
 4       — (a) ~~On account of physical disability, cannot without~~  
 5 ~~another's assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on  
 6 the day of an election.  
 7       — (b) ~~On account of the tenets of his or her religion, cannot~~  
 8 ~~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~~ **ABSENT VOTER DOES NOT**  
 11 **INCLUDE** a person who has moved outside of this state, regardless  
 12 of length of his or her residence outside of this state, and who  
 13 no longer maintains an actual residence in this state. The  
 14 storage of personal effects or household goods, the ownership of  
 15 property that is rented or leased to others, or occasional brief  
 16 visits to a former domicile in this state while residing outside  
 17 of this state for most of the year ~~does~~ **DO** not constitute a  
 18 residence for voting purposes in this state, except for each of  
 19 the following:

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

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

24 Sec. 759. (1) At any time during the 75 days before a  
 25 primary **ELECTION** or special primary **ELECTION**, but not later than  
 26 2 p.m. of the Saturday immediately before the primary **ELECTION** or  
 27 special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote

1 as an absent voter ~~, as defined in section 758,~~ may apply for an  
2 absent voter ballot. The elector shall apply in person or by mail  
3 with the clerk of the township, city, or village in which the  
4 elector is registered. An application received before a primary  
5 **ELECTION** or special primary **ELECTION** may be for either that  
6 primary **ELECTION** only, or for that primary **ELECTION** and the  
7 election that follows.

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

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

17 (a) By a written request signed by the ~~voter stating the~~  
18 ~~statutory grounds for making the application~~ **ELECTOR**.

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

21 (c) On a federal postcard application.

22 (4) An applicant for an absent voter ballot shall sign the  
23 application. A clerk or assistant clerk shall not deliver an  
24 absent voter ballot to an applicant who does not sign the  
25 application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A**  
26 **SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant;  
27 a member of the applicant's immediate family; a person residing

1 in the applicant's household; a person whose job normally  
 2 includes the handling of mail, but only during the course of his  
 3 or her employment; a registered elector requested by the  
 4 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the  
 5 clerk, or other authorized election official. ~~shall not be in~~  
 6 ~~possession of a signed absent voter ballot application.~~ A  
 7 registered elector who is requested by the applicant to return  
 8 his or her absent voter ballot application shall sign the  
 9 certificate on the absent voter ballot application.

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

16 "Application for absent voter ballot for:  
 17 [ ] The primary **ELECTION** or special primary election to be  
 18 held on ~~....., 19...~~ \_\_\_\_\_ **[DATE]** .  
 19 [ ] The election to be held on ~~....., 19...~~ \_\_\_\_\_  
 20 **[DATE]** .

21 (Check applicable election or elections)

22 I, ..... , a qualified and  
 23 registered elector of the ..... precinct of the township  
 24 of ..... or village of ..... or of the .....  
 25 ward of the city of ..... , in the  
 26 county of ..... and state of  
 27 Michigan, apply for an official ballot, or ballots, to be voted

1 by me at the election or elections as requested in this  
2 application.

3 ~~\_\_\_\_\_ The statutory grounds on which I base my request are:~~

4 ~~\_\_\_\_\_ [ ] I expect to be absent from the community in which I am~~  
5 ~~registered for the entire time the polls are open on election~~  
6 ~~day.~~

7 ~~\_\_\_\_\_ [ ] I am physically unable to attend the polls without the~~  
8 ~~assistance of another.~~

9 ~~\_\_\_\_\_ [ ] I cannot attend the polls because of the tenets of my~~  
10 ~~religion.~~

11 ~~\_\_\_\_\_ [ ] I have been appointed an election precinct inspector in~~  
12 ~~a precinct other than the precinct where I reside.~~

13 ~~\_\_\_\_\_ [ ] I am 60 years of age or older.~~

14 ~~\_\_\_\_\_ [ ] I cannot attend the polls because I am confined to jail~~  
15 ~~awaiting arraignment or trial.~~

16 ~~\_\_\_\_\_ (Check applicable reason)~~

17 Send absent voter ballot to me at:

18 .....  
19 (Street No. or R.R.)

20 .....  
21 (Post Office) (State) (ZIP CODE)

22 My registered address .....  
23 (Street No. or R.R.)

24 .....  
25 (Post Office) (State) (ZIP CODE)

26 Date.....

27 I declare **CERTIFY** that the statements in this absent voter  
28 ballot application are true.

29 .....  
30 (Signature)

WARNING

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

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Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application

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

1  
2\_\_\_\_\_  
(Date)\_\_\_\_\_  
(Signature)"

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

6 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

11 Step 2. Deliver the application by 1 of the following  
12 methods:

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

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

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

25 (d) ~~In the event~~ **IF** an applicant cannot return the

1 application in any of the above methods, the applicant may select  
2 any registered elector to return the application. The person  
3 returning the application must sign and return the certificate at  
4 the bottom of the application.

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

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

17 Sec. 759b. (1) ~~Any~~ **A** registered elector may apply for **AN**  
18 absent voter ballots ~~BALLOT~~ at any time ~~prior to~~ **BEFORE** 4 p.m. on  
19 election day if ~~he shall have become physically disabled or shall~~  
20 ~~be absent from the city or township because of sickness or death~~  
21 ~~in the family which~~ **AN EVENT** has occurred at a time which has  
22 **THAT** made it impossible to apply for **AN** absent voter ballots  
23 **BALLOT** by the statutory deadline. The application shall be called  
24 an emergency absent voter **BALLOT** application.

25 (2) Emergency absent voter **BALLOT** applications may be made  
26 by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND**  
27 provided by the clerk. The application shall set forth that the



1 voter is qualified to vote in the election ~~, stating the~~  
 2 ~~statutory reason for applying for an emergency absent voter~~  
 3 ~~ballot and that the reason for applying after the statutory~~  
 4 ~~deadline~~ **AN EVENT** occurred at such a time to make it impossible  
 5 to file an application for **AN** absent voter ballots ~~BALLOT~~ by the  
 6 statutory deadline.

7 (3) ~~Any~~ **A** person intentionally making a false statement in  
 8 ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a  
 9 felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **ANOTHER** person to  
 10 make a false statement ~~on such~~ **IN AN EMERGENCY ABSENT VOTER**  
 11 **BALLOT** application is guilty of a felony.

12 (4) Upon receipt by the clerk of a valid application for an  
 13 emergency absent voter ballot, the clerk may deliver the ~~ballots~~  
 14 **ABSENT VOTER BALLOT** to the applicant in person, through a deputy  
 15 or an election assistant, or ~~he may deliver them~~ at his **OR HER**  
 16 office to a person named by the applicant in the **EMERGENCY ABSENT**  
 17 **VOTER BALLOT** application. The **ABSENT** voter may return the ~~ballots~~  
 18 **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided~~  
 19 ~~therefor~~ in any manner. ~~he sees fit.~~ ~~To~~ **HOWEVER, TO** be valid,  
 20 ~~ballots must be returned~~ **THE ABSENT VOTER SHALL RETURN THE ABSENT**  
 21 **VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR**  
 22 **THAT REASON AND** in time to be delivered to the polls ~~prior to~~  
 23 **BEFORE** 8 p.m. on election day.