

HOUSE BILL No. 5316

February 12, 2014, Introduced by Reps. Schor, Haugh, LaVoy, Geiss, Slavens, Lane, Driskell, Abed and Hobbs and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758 and 759 (MCL 168.758 and 168.759), section 758 as amended by 1996 PA 207 and section 759 as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. (1) For the purposes of this act, "absent voter"
2 means a qualified and registered elector who meets 1 or more of
3 the following requirements:

4 (a) On account of physical disability, cannot without
5 another's assistance attend the polls on the day of an election.

6 (b) On account of the tenets of his or her religion, cannot
7 attend the polls on the day of election.

8 (c) Cannot attend the polls on the day of an election in the

1 precinct in which he or she resides because of being an election
2 precinct inspector in another precinct.

3 (d) Is 60 years of age or older.

4 (e) Is absent or expects to be absent from the township or
5 city in which he or she resides during the entire period the
6 polls are open for voting on the day of an election.

7 (f) Cannot attend the polls on election day because of being
8 confined in jail awaiting arraignment or trial.

9 (G) APPLIES FOR AN ABSENT VOTER BALLOT IN PERSON WITH THE
10 CLERK OF THE TOWNSHIP, CITY, OR VILLAGE IN WHICH HE OR SHE IS
11 REGISTERED, AND HE OR SHE IDENTIFIES HIMSELF OR HERSELF TO THE
12 CLERK BY PRESENTING AN OFFICIAL STATE PERSONAL IDENTIFICATION
13 CARD ISSUED TO THAT ELECTOR UNDER 1972 PA 222, MCL 28.291 TO
14 28.300, AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO THAT
15 ELECTOR UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1
16 TO 257.923, OR ANOTHER GENERALLY RECOGNIZED PICTURE
17 IDENTIFICATION CARD.

18 (2) Subsection (1) does not apply to a person who has moved
19 outside of this state, regardless of length of his or her
20 residence outside of this state, and who no longer maintains an
21 actual residence in this state. The storage of personal effects
22 or household goods, the ownership of property that is rented or
23 leased to others, or occasional brief visits to a former domicile
24 in this state while residing outside of this state for most of
25 the year ~~does~~ DO not constitute a residence for voting purposes
26 in this state, except for each of the following:

27 (a) A person described in section 1 of article II of the

1 state constitution of 1963 and statutes enacted under that
2 section.

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

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

14 (2) Except as otherwise provided in subsection (1), at
15 anytime during the 75 days before an election, but not later than
16 2 p.m. of the Saturday before the election, an elector who
17 qualifies to vote as an absent voter, as defined in section 758,
18 may apply for an absent voter ballot. The elector shall apply in
19 person or, **SUBJECT TO SECTION 758(1)(G)**, by mail with the clerk
20 of the township, city, or village in which the voter is
21 registered.

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

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

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

1 (c) On a federal postcard application.

2 (4) An applicant for an absent voter ballot shall sign the
3 application. A clerk or assistant clerk shall not deliver an
4 absent voter ballot to an applicant who does not sign the
5 application. A person shall not be in possession of a signed
6 absent voter ballot application except for the applicant; a
7 member of the applicant's immediate family; a person residing in
8 the applicant's household; a person whose job normally includes
9 the handling of mail, but only during the course of his or her
10 employment; a registered elector requested by the applicant to
11 return the application; or a clerk, assistant of the clerk, or
12 other authorized election official. A registered elector who is
13 requested by the applicant to return his or her absent voter
14 ballot application shall sign the certificate on the absent voter
15 ballot application.

16 (5) The clerk of a city, township, or village shall have
17 absent voter ballot application forms available in the clerk's
18 office at all times and shall furnish an absent voter ballot
19 application form to anyone upon a verbal or written request. ~~The~~
20 **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), THE** absent voter
21 ballot application shall be in substantially the following form:

22 "Application for absent voter ballot for:

23 [] The primary or special primary election to be held on
24 _____ (Date).

25 [] The election to be held on _____ (Date).

26 (Check applicable election or elections)

27 I, , a United States

1 citizen and a qualified and registered elector of the
2 precinct of the township of or village
3 of or of the ward of the city of
4 , in the county of
5 and state of Michigan, apply
6 for an official ballot, or ballots, to be voted by me at the
7 election or elections as requested in this application.

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

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

12 [] I am physically unable to attend the polls without the
13 assistance of another.

14 [] I cannot attend the polls because of the tenets of my
15 religion.

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

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

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

21 (Check applicable reason)

22 Send absent voter ballot to me at:

23
24 (Street No. or R.R.)

25
26 (Post Office) (State) (Zip Code)

27 My registered address
28 (Street No. or R.R.)

1
2 (Post Office) (State) (Zip Code)

3 Date.....

4 I certify that I am a United States citizen and that
5 the statements in this absent voter ballot application
6 are true.

7
8 (Signature)

9 WARNING

10 You must be a United States citizen to vote. If you are not
11 a United States citizen, you will not be issued an absent voter
12 ballot.

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

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

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

10 _____
11 (Date) (Signature) "

12 (6) IF AN ELECTOR WHO QUALIFIES TO VOTE AS AN ABSENT VOTER
13 AS DEFINED IN SECTION 758(1)(G) APPLIES FOR AN ABSENT VOTER
14 BALLOT, THE ABSENT VOTER BALLOT APPLICATION SHALL BE IN
15 SUBSTANTIALLY THE FOLLOWING FORM:

16 "APPLICATION FOR ABSENT VOTER BALLOT FOR:
17 [] THE PRIMARY OR SPECIAL PRIMARY ELECTION TO BE HELD ON
18 _____ (DATE).
19 [] THE ELECTION TO BE HELD ON _____ (DATE).
20 (CHECK APPLICABLE ELECTION OR ELECTIONS)

21 I, , A UNITED STATES
22 CITIZEN AND A QUALIFIED AND REGISTERED ELECTOR OF THE
23 PRECINCT OF THE TOWNSHIP OF OR VILLAGE
24 OF OR OF THE WARD OF THE CITY OF
25 , IN THE COUNTY OF
26 AND STATE OF MICHIGAN, APPLY

1 FOR AN OFFICIAL BALLOT, OR BALLOTS, TO BE VOTED BY ME AT THE
2 ELECTION OR ELECTIONS AS REQUESTED IN THIS APPLICATION.

3 THE STATUTORY GROUND ON WHICH I BASE MY REQUEST IS:

4 [] I AM APPLYING FOR AN ABSENT VOTER BALLOT IN PERSON WITH
5 THE CLERK OF THE TOWNSHIP, CITY, OR VILLAGE IN WHICH I AM
6 REGISTERED, AND I AM IDENTIFYING MYSELF TO THE CLERK BY
7 PRESENTING AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD, AN
8 OPERATOR'S OR CHAUFFEUR'S LICENSE, OR ANOTHER GENERALLY
9 RECOGNIZED PICTURE IDENTIFICATION CARD.

10 SEND ABSENT VOTER BALLOT TO ME AT:

11
12 (STREET NO. OR R.R.)

13
14 (POST OFFICE) (STATE) (ZIP CODE)

15 MY REGISTERED ADDRESS
16 (STREET NO. OR R.R.)

17
18 (POST OFFICE) (STATE) (ZIP CODE)

19 DATE.....

20 I CERTIFY THAT I AM A UNITED STATES CITIZEN AND THAT
21 THE STATEMENTS IN THIS ABSENT VOTER BALLOT APPLICATION
22 ARE TRUE.

23
24 (SIGNATURE)

25 WARNING

26 YOU MUST BE A UNITED STATES CITIZEN TO VOTE. IF YOU ARE NOT
27 A UNITED STATES CITIZEN, YOU WILL NOT BE ISSUED AN ABSENT VOTER
28 BALLOT.

29 A PERSON MAKING A FALSE STATEMENT IN THIS ABSENT VOTER

1 BALLOT APPLICATION IS GUILTY OF A MISDEMEANOR. IT IS A VIOLATION
 2 OF MICHIGAN ELECTION LAW FOR A PERSON OTHER THAN THOSE LISTED IN
 3 THE INSTRUCTIONS TO RETURN, OFFER TO RETURN, AGREE TO RETURN, OR
 4 SOLICIT TO RETURN YOUR ABSENT VOTER BALLOT APPLICATION TO THE
 5 CLERK. AN ASSISTANT AUTHORIZED BY THE CLERK WHO RECEIVES ABSENT
 6 VOTER BALLOT APPLICATIONS AT A LOCATION OTHER THAN THE CLERK'S
 7 OFFICE MUST HAVE CREDENTIALS SIGNED BY THE CLERK. ASK TO SEE HIS
 8 OR HER CREDENTIALS BEFORE ENTRUSTING YOUR APPLICATION WITH A
 9 PERSON CLAIMING TO HAVE THE CLERK'S AUTHORIZATION TO RETURN YOUR
 10 APPLICATION.

11 CERTIFICATE OF AUTHORIZED REGISTERED
 12 ELECTOR RETURNING ABSENT VOTER
 13 BALLOT APPLICATION

14 I CERTIFY THAT MY NAME IS , MY ADDRESS
 15 IS , AND MY DATE OF BIRTH IS ;
 16 THAT I AM DELIVERING THE ABSENT VOTER BALLOT APPLICATION OF
 17 AT HIS OR HER REQUEST; THAT I DID NOT
 18 SOLICIT OR REQUEST TO RETURN THE APPLICATION; THAT I HAVE NOT
 19 MADE ANY MARKINGS ON THE APPLICATION; THAT I HAVE NOT ALTERED THE
 20 APPLICATION IN ANY WAY; THAT I HAVE NOT INFLUENCED THE APPLICANT;
 21 AND THAT I AM AWARE THAT A FALSE STATEMENT IN THIS CERTIFICATE IS
 22 A VIOLATION OF MICHIGAN ELECTION LAW.

23 _____
 24 (DATE)

 (SIGNATURE) "

1 (7) ~~(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, to the clerk, or to an authorized assistant of the clerk.

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

23 (d) If an applicant cannot return the application in any of
24 the above methods, the applicant may select any registered
25 elector to return the application. The person returning the
26 application must sign and return the certificate at the bottom of

1 the application.

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

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

14 (9) A PERSON WHO PRINTS AND DISTRIBUTES ABSENT VOTER BALLOT
15 APPLICATIONS SHALL PRINT ON THE APPLICATION THE WARNING,
16 CERTIFICATE OF AUTHORIZED REGISTERED ELECTOR RETURNING ABSENT
17 VOTER BALLOT APPLICATION, AND INSTRUCTIONS REQUIRED BY THIS
18 SECTION.