

HOUSE BILL No. 5449

January 25, 2018, Introduced by Rep. Kosowski and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) An absent uniformed services voter or an
2 overseas voter who is not registered, but possessed the
3 qualifications of an elector under section 492, may apply for
4 registration by using the federal postcard application. The
5 department of state, bureau of elections, is responsible for
6 disseminating information on the procedures for registering and
7 voting to an absent uniformed services voter and an overseas voter.

8 (2) Upon the request of an absent uniformed services voter or

1 an overseas voter, the clerk of a county, city, township, or
2 village shall electronically transmit a blank voter registration
3 application or blank absent voter ballot application to the voter.
4 The clerk of a county, city, township, or village shall accept a
5 completed voter registration application or completed absent voter
6 ballot application electronically transmitted by an absent
7 uniformed services voter or overseas voter. A voter registration
8 application or absent voter ballot application submitted by an
9 absent uniformed services voter or overseas voter ~~shall~~**MUST**
10 contain the signature of the voter.

11 (3) A spouse or dependent of an overseas voter who is a
12 citizen of the United States, is accompanying that overseas voter,
13 and is not a qualified and registered elector anywhere else in the
14 United States, may apply for an absent voter ballot even though the
15 spouse or dependent is not a qualified elector of a city or
16 township of this state.

17 (4) An absent uniformed services voter or an overseas voter,
18 whether or not registered to vote, may apply for an absent voter
19 ballot. Upon receipt of an application for an absent voter ballot
20 under this section that complies with this act, a county, city,
21 village, or township clerk shall forward to the applicant the
22 absent voter ballots requested, the forms necessary for
23 registration, and instructions for completing the forms. If the
24 ballots are not yet available at the time of receipt of the
25 application, the clerk shall immediately forward to the applicant
26 the registration forms and instructions, and forward the ballots as
27 soon as they are available. If a federal postcard application or an

1 application from the official United States ~~department~~**DEPARTMENT**
2 of ~~defense~~**DEFENSE** website is filed, the clerk shall accept the
3 federal postcard application or the application from the official
4 United States ~~department~~**DEPARTMENT** of ~~defense~~**DEFENSE** website as
5 the registration application and shall not send any additional
6 registration forms to the applicant. If the ballots and
7 registration forms are received before the close of the polls on
8 election day and if the registration complies with the requirements
9 of this act, the absent voter ballots ~~shall~~**MUST** be delivered to
10 the proper election board to be tabulated. If the registration does
11 not comply with the requirements of this act, the clerk shall
12 retain the absent voter ballots until the expiration of the time
13 that the voted ballots must be kept and shall then destroy the
14 ballots without opening the envelope. The clerk may retain
15 registration forms completed under this section in a separate file.
16 The address in this state shown on a registration form is the
17 residence of the registrant.

18 (5) Not later than 45 days before an election, a county, city,
19 township, or village clerk shall electronically transmit or mail as
20 appropriate an absent voter ballot to each absent uniformed
21 services voter or overseas voter who applied for an absent voter
22 ballot 45 days or more before the election.

23 (6) Upon the request of an absent uniformed services voter or
24 overseas voter, the clerk of a county, city, township, or village
25 shall electronically transmit an absent voter ballot to the voter.
26 ~~The~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE** voter
27 shall print the absent voter ballot and return the voted ballot by

1 mail to the appropriate clerk. **A MEMBER OF A UNIFORMED SERVICE ON**
2 **ACTIVE DUTY, BY REASON OF BEING ON ACTIVE DUTY, A MEMBER OF THE**
3 **MERCHANT MARINE, BY REASON OF SERVICE IN THE MERCHANT MARINE, THE**
4 **SPOUSE OF A MEMBER OF A UNIFORMED SERVICE ON ACTIVE DUTY, BY REASON**
5 **OF THE ACTIVE DUTY OF THE MEMBER, OR THE SPOUSE OF A MEMBER OF THE**
6 **MERCHANT MARINE, BY REASON OF THE SERVICE OF THE MEMBER, WHO IS**
7 **ABSENT ON THE DATE OF AN ELECTION FROM THE PLACE OF RESIDENCE WHERE**
8 **THE MEMBER OR SPOUSE IS OTHERWISE QUALIFIED TO VOTE MAY, IF USING A**
9 **UNITED STATES MILITARY ISSUED ELECTRONIC MAIL ADDRESS, RETURN THE**
10 **VOTED BALLOT ELECTRONICALLY TO THE APPROPRIATE CLERK.**

11 (7) The secretary of state shall prescribe electronic absent
12 voter ballot formats and electronic absent voter ballot
13 transmission methods. Each county, city, township, or village clerk
14 shall employ the prescribed electronic ballot formats to fulfill an
15 absent voter ballot request received from an absent uniformed
16 services voter or overseas voter who wishes to receive his or her
17 absent voter ballot through an electronic transmission. The
18 secretary of state shall establish procedures to implement the
19 requirements in this section and for the processing of a marked
20 absent voter ballot returned by an absent uniformed services voter
21 or overseas voter who obtained his or her absent voter ballot
22 through an electronic transmission.

23 (8) The secretary of state shall modify the printed statement
24 provided under section 761(4) and the absent voter ballot
25 instructions provided under section 764a as appropriate to
26 accommodate the procedures developed for electronically
27 transmitting an absent voter ballot to an absent uniformed services

1 voter or overseas voter. A statement ~~shall~~**MUST** be included in the
2 certificate signed by the absent voter who obtained his or her
3 absent voter ballot through an electronic transmission that the
4 secrecy of the absent voter ballot may be compromised during the
5 duplication process. The absent voter ballot instructions provided
6 to an absent uniformed services voter or overseas voter ~~shall~~**MUST**
7 include the proper procedures for returning the absent voter ballot
8 to the appropriate clerk.

9 (9) The size of a precinct ~~shall~~**MUST** not be determined by
10 registration forms completed under this section.

11 (10) An absent uniformed services voter or an overseas voter
12 who submits an absent voter ballot application is eligible to vote
13 as an absent voter in any local, state, or federal election
14 occurring in the calendar year in which the election is held for
15 that ballot requested if the absent voter ballot application is
16 received by the county, city, village, or township clerk not later
17 than 2 p.m. of the Saturday before the election. A county, city, or
18 township clerk receiving an absent voter ballot application from an
19 absent uniformed services voter or overseas voter shall transmit to
20 a village clerk and the school district election coordinators,
21 where applicable, the necessary information to enable the village
22 clerk and school district election coordinators to forward an
23 absent voter ballot for each applicable election in that calendar
24 year to the absent voter. A village clerk receiving an absent voter
25 ballot application from an absent uniformed services voter or
26 overseas voter shall transmit to the township clerk and the school
27 district election coordinators, where applicable, the necessary

1 information to enable the city or township clerk and school
2 district election coordinators to forward an absent voter ballot
3 for each applicable election in that calendar year to the absent
4 voter. If the local elections official rejects a voter registration
5 application or absent voter ballot application submitted by an
6 absent uniformed services voter or overseas voter, the election
7 official shall notify the voter of the rejection.

8 (11) An electronic mail address provided by an absent
9 uniformed services voter or overseas voter for the purposes of this
10 section is confidential and exempt from disclosure under the
11 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

12 (12) Under the uniformed and overseas citizens absentee voting
13 act, the state director of elections shall approve a ballot form
14 and registration procedures for absent uniformed services voters
15 and overseas voters.

16 (13) An absent uniformed services voter or an overseas voter
17 may use the federal write-in absentee ballot, in accordance with
18 the provisions of the uniformed and overseas citizens absentee
19 voting act, at a regular election or special election to vote for a
20 local, state, or federal office or on a ballot question. ~~An~~ **EXCEPT**
21 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN** absent uniformed
22 services voter or an overseas voter who uses the federal write-in
23 absentee ballot shall return his or her voted federal write-in
24 absentee ballot by mail to the appropriate clerk. **A MEMBER OF A**
25 **UNIFORMED SERVICE ON ACTIVE DUTY, BY REASON OF BEING ON ACTIVE**
26 **DUTY, A MEMBER OF THE MERCHANT MARINE, BY REASON OF SERVICE IN THE**
27 **MERCHANT MARINE, THE SPOUSE OF A MEMBER OF A UNIFORMED SERVICE ON**

1 ACTIVE DUTY, BY REASON OF THE ACTIVE DUTY OF THE MEMBER, OR THE
2 SPOUSE OF A MEMBER OF THE MERCHANT MARINE, BY REASON OF THE SERVICE
3 OF THE MEMBER, WHO IS ABSENT ON THE DATE OF AN ELECTION FROM THE
4 PLACE OF RESIDENCE WHERE THE MEMBER OR SPOUSE IS OTHERWISE
5 QUALIFIED TO VOTE MAY, IF USING A UNITED STATES MILITARY ISSUED
6 ELECTRONIC MAIL ADDRESS, RETURN THE VOTED BALLOT ELECTRONICALLY TO
7 THE APPROPRIATE CLERK. The state bureau of elections shall do both
8 of the following:

9 (a) Make the ballot format for each election available to
10 absent uniformed services voters and overseas voters by electronic
11 mail or on an internet website maintained by the department of
12 state.

13 (b) Make the ballot information, including the offices, names
14 of candidates, and ballot proposals, for each election available to
15 absent uniformed services voters and overseas voters on an internet
16 website maintained by the department of state.

17 (14) The clerk of a city, village, or township shall submit to
18 the county clerk of the county in which that city, village, or
19 township is located a written statement no later than 45 days
20 before each election indicating whether absent voter ballots were
21 issued to absent uniformed services voters or overseas voters in
22 compliance with this section and the uniformed and overseas
23 citizens absentee voting act. The city, village, or township clerk
24 shall provide to the county clerk a written explanation describing
25 remedial actions taken by the city, village, or township clerk if
26 the city, village, or township clerk fails to comply with this
27 section and the uniformed and overseas citizens absentee voting

1 act. Not later than 42 days before each election, each county clerk
2 shall submit to the state bureau of elections a written report
3 compiled from the written statements submitted by the city,
4 village, and township clerks. The written report ~~shall~~**MUST**
5 identify the cities, villages, and townships that complied with the
6 45-day deadline under this subsection, the cities, villages, and
7 townships that did not comply with the 45-day deadline under this
8 subsection, but provided a written explanation, and those cities,
9 villages, and townships that did not comply with the 45-day
10 deadline under this subsection and that did not provide a written
11 explanation. The state bureau of elections may require the clerk of
12 a city, village, or township that did not comply with the 45-day
13 deadline under this subsection, but provided a written explanation,
14 to provide additional information. The state bureau of elections
15 shall require the clerk of a city, village, or township that did
16 not comply with the 45-day deadline and that did not provide a
17 written explanation to file a written explanation, describing the
18 remedial actions taken by the city, village, or township clerk,
19 within 1 business day after the state bureau of elections notifies
20 the clerk of that city, village, or township.

21 (15) For a presidential primary election, the secretary of
22 state shall prescribe procedures for contacting an elector who is
23 an absent uniformed services voter or an overseas voter, as
24 described in this section, and who is eligible to receive an absent
25 voter ballot or who applies for an absent voter ballot for the
26 presidential primary election, offering the elector the opportunity
27 to select a political party ballot for the presidential primary

1 election.

2 (16) The secretary of state shall order a city, village, or
3 township clerk to extend the ballot receipt deadline for any
4 absentee voter ballots under this section that were not transmitted
5 to an absent uniformed services voter or overseas voter in
6 compliance with subsection (5). The extension ~~shall~~**MUST** equal the
7 total number of days beyond the deadline as provided in subsection
8 (5) that the city, village, or township clerk transmitted the
9 requested absentee voter ballots. These absentee voter ballots
10 received during the extension time ~~shall~~**MUST** be counted and
11 tabulated for the final results of the election provided that the
12 absentee voter ballots are executed and sent by the close of the
13 polls on election day. The election may be formally certified
14 before the end of the extension time if the number of outstanding
15 absentee voter ballots under this subsection will not alter the
16 outcome of the election.

17 (17) As used in this section:

18 (a) "Absent uniformed services voter" means any of the
19 following:

20 (i) A member of a uniformed service on active duty who, by
21 reason of being on active duty, is absent from the place of
22 residence where the member is otherwise qualified to vote.

23 (ii) A member of the merchant marine who, by reason of service
24 in the merchant marine, is absent from the place of residence where
25 the member is otherwise qualified to vote.

26 (iii) A spouse or dependent of a member referred to in
27 subparagraph (i) or (ii) who, by reason of the active duty or

1 service of the member, is absent from the place of residence where
2 the spouse or dependent is otherwise qualified to vote.

3 (b) "Member of the merchant marine" means an individual, other
4 than a member of a uniformed service or an individual employed,
5 enrolled, or maintained on the Great Lakes or the inland waterways,
6 who is either of the following:

7 (i) Employed as an officer or crew member of a vessel
8 documented under the laws of the United States, a vessel owned by
9 the United States, or a vessel of foreign-flag registry under
10 charter to or control of the United States.

11 (ii) Enrolled with the United States for employment or
12 training for employment, or maintained by the United States for
13 emergency relief service, as an officer or crew member of a vessel
14 documented under the laws of the United States, a vessel owned by
15 the United States, or a vessel of foreign-flag registry under
16 charter to or control of the United States.

17 (c) "Overseas voter" means any of the following:

18 (i) An absent uniformed services voter who, by reason of
19 active duty or service, is absent from the United States on the
20 date of an election.

21 (ii) A person who resides outside of the United States and is
22 qualified to vote in the last place in which the person was
23 domiciled before leaving the United States.

24 (iii) A person who resides outside of the United States and
25 who, but for such residence outside of the United States, would be
26 qualified to vote in the last place in which he or she was
27 domiciled before leaving the United States.

1 (d) "Uniformed services" means the ~~army, navy, air force,~~
2 ~~marine corps, coast guard,~~ **ARMY, NAVY, AIR FORCE, MARINE CORPS, OR**
3 **COAST GUARD,** the ~~commissioned corps~~ **COMMISSIONED CORPS** of the
4 ~~public health service,~~ **PUBLIC HEALTH SERVICE,** the ~~commissioned~~
5 ~~corps~~ **COMMISSIONED CORPS** of the ~~national oceanic~~ **NATIONAL OCEANIC**
6 and ~~atmospheric administration,~~ **ATMOSPHERIC ADMINISTRATION,** a
7 reserve component of a uniformed service, or the Michigan ~~national~~
8 ~~guard~~ **NATIONAL GUARD** as **THAT TERM IS** defined in section 105 of the
9 Michigan military act, 1967 PA 150, MCL 32.505.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.