

**SUBSTITUTE FOR
HOUSE BILL NO. 5543**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2018 PA 603.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during
2 the 75 days before a primary or **a** special primary, but not later
3 than 8 p.m. on the day of a primary or **a** special primary, an
4 elector may apply for an absent voter ballot. The elector shall
5 apply in person or by mail with the clerk of the township or city
6 in which the elector is registered. The clerk of a city or township
7 shall not send by first-class mail an absent voter ballot to an
8 elector after 5 p.m. on the Friday immediately before the ~~election~~
9 **primary or special primary**. In addition, the clerk of a city or



1 township shall not issue an absent voter ballot to a registered
 2 elector in that city or township after 4 p.m. on the day before the
 3 election **primary or special primary**. An application received before
 4 a primary or special primary may be for either that primary **or**
 5 **special primary** only, or for that primary **or special primary** and
 6 the election **or special election** that **immediately** follows. In
 7 addition, an application may be used for all elections held during
 8 a calendar year. If the secretary of state provides an absent voter
 9 ballot application that contains more election options than an
 10 absent voter ballot application provided by a city or township, and
 11 the absent voter ballot application otherwise complies with the
 12 requirements of this section, the clerk of the city or township
 13 shall honor the election options requested by an elector who uses
 14 the absent voter ballot application provided by the secretary of
 15 state. An individual may submit a voter registration application
 16 and an absent voter ballot application at the same time if applying
 17 in person with the clerk or deputy clerk of the city or township in
 18 which the individual resides. Immediately after his or her voter
 19 registration application and absent voter ballot application are
 20 approved by the clerk or deputy clerk, the individual may, subject
 21 to the identification requirement in section 761(6), complete an
 22 absent voter ballot at the clerk's office.

23 (2) Except as otherwise provided in subsection (1) and subject
 24 to section 761(3), at any time during the 75 days before an
 25 election **or special election**, but not later than 8 p.m. on the day
 26 of an election **or special election**, an elector may apply for an
 27 absent voter ballot. The elector shall apply in person or by mail
 28 with the clerk of the township ~~, or city, or village~~ in which the
 29 voter is registered. The clerk of a city or township shall not send



1 by first-class mail an absent voter ballot to an elector after 5
2 p.m. on the Friday immediately before the election **or special**
3 **election**. In addition, the clerk of a city or township shall not
4 issue an absent voter ballot to a registered elector in that city
5 or township after 4 p.m. on the day before the election **or special**
6 **election**. An individual may submit a voter registration application
7 and an absent voter ballot application at the same time if applying
8 in person with the clerk or deputy clerk of the city or township in
9 which the individual resides. Immediately after his or her voter
10 registration application and absent voter ballot application are
11 approved by the clerk, the individual may, subject to the
12 identification requirement in section 761(6), complete an absent
13 voter ballot at the clerk's office.

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

16 (a) By a written request signed by the voter.

17 (b) On an absent voter ballot application form provided for
18 that purpose by the clerk of the city or township.

19 **(c) On an absent voter ballot application form provided for**
20 **that purpose by the secretary of state.**

21 **(d)** ~~(e)~~—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 absent
24 voter ballot to an applicant who does not sign the application. A
25 person shall not be in possession of a signed absent voter ballot
26 application except for the applicant; a member of the applicant's
27 immediate family; a person residing in the applicant's household; a
28 person whose job normally includes the handling of mail, but only
29 during the course of his or her employment; a registered elector



1 requested by the applicant to return the application; or a clerk,
2 assistant of the clerk, or other authorized election official. A
3 registered elector who is requested by the applicant to return his
4 or her absent voter ballot application shall sign the certificate
5 on the absent voter ballot application.

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

11 "Application for absent voter ballot for:

12 [] The primary **election** or special primary election to be
13 held on _____ (Date).

14 [] The election **or special election** to be held on _____
15 (Date).

16 [] **Both the primary election or special primary election to**
17 **be held on _____ (Date) and the election or special**
18 **election that follows to be held on _____ (Date).**

19 [] **Any election, special election, primary election, or**
20 **special primary election to be held in calendar year**
21 **_____.**

22 (Check applicable election or elections)

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



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Send absent voter ballot to me at:

.....
(Street No. or R.R.)
.....
(Post Office) (State) (Zip Code)

My registered address
(Street No. or R.R.)
.....
(Post Office) (State) (Zip Code)

Date.....

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

.....
(Signature)

WARNING

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

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 must have credentials signed by the clerk. Ask to see his or



1 her credentials before entrusting your application with a person
2 claiming to have the clerk's authorization to return your
3 application.

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Certificate of Authorized Registered

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Elector Returning Absent Voter

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Ballot Application

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

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(Date)

(Signature)"

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22 (6) The following instructions for an applicant for an absent
23 voter ballot must be included with each application furnished an
24 applicant:

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INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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28 Step 1. After completely filling out the application, sign and
29 date the application in the place designated. Your signature must



1 appear on the application or you will not receive an absent voter
2 ballot.

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

4 (a) Place the application in an envelope addressed to the
5 appropriate clerk and place the necessary postage upon the return
6 envelope and deposit it in the United States mail or with another
7 public postal service, express mail service, parcel post service,
8 or common carrier.

9 (b) Deliver the application personally to the clerk's office,
10 to the clerk, or to an authorized assistant of the clerk.

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

16 (d) If an applicant cannot return the application in any of
17 the above methods, the applicant may select any registered elector
18 to return the application. The person returning the application
19 must sign and return the certificate at the bottom of the
20 application.

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

25 (8) A person who makes a false statement in an absent voter
26 ballot application is guilty of a misdemeanor. A person who forges
27 a signature on an absent voter ballot application is guilty of a
28 felony. A person who is not authorized in this act and who both
29 distributes absent voter ballot applications to absent voters and



1 returns those absent voter ballot applications to a clerk or
2 assistant of the clerk is guilty of a misdemeanor.

