

HOUSE BILL NO. 5543

February 25, 2020, Introduced by Reps. Paquette, Bollin, Berman, LaGrand, Love and Kuppia and referred to the Committee on Elections and Ethics.

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~~ **Except as otherwise provided in this**
2 **subsection and subsection (2) and subject** to section 761(3), at any
3 time during the 75 days before **an election, a special election, a**
4 **primary, or a special primary,** but not later than 8 p.m. on the day



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



1 requirement in section 761(6), complete an absent voter ballot at
2 the clerk's office.

3 (2) ~~Except as otherwise provided in subsection (1) and subject~~
4 **Subject** to section 761(3), at any time during the 75 days before an
5 **a presidential primary** election, but not later than 8 p.m. on the
6 day of ~~an~~**a presidential primary** election, an elector may apply for
7 an absent voter ballot. The elector shall apply in person or by
8 mail with the clerk of the township ~~, or city, or village~~ in which
9 the voter is registered. The clerk of a city or township shall not
10 send by first-class mail an absent voter ballot to an elector after
11 5 p.m. on the Friday immediately before the **presidential primary**
12 election. In addition, the clerk of a city or township shall not
13 issue an absent voter ballot to a registered elector in that city
14 or township after 4 p.m. on the day before the **presidential primary**
15 election. **An application requested before a presidential primary**
16 **election may only be used for that presidential primary election**
17 **and may not be used for any other election held during the calendar**
18 **year.** An individual may submit a voter registration application and
19 an absent voter ballot application at the same time if applying in
20 person with the clerk or deputy clerk of the city or township in
21 which the individual resides. Immediately after his or her voter
22 registration application and absent voter ballot application are
23 approved by the clerk, the individual may, subject to the
24 identification requirement in section 761(6), complete an absent
25 voter ballot at the clerk's office.

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

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

29 (b) On an absent voter ballot application form provided for



1 that purpose by the clerk of the city or township.

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

4 (d) ~~(e)~~—On a federal postcard application.

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

18 (5) The clerk of a city or township shall have absent voter
19 ballot application forms available in the clerk's office at all
20 times and shall furnish an absent voter ballot application form to
21 anyone upon a verbal or written request. The absent voter ballot
22 application **for an election, special election, primary election, or**
23 **special primary election, other than a presidential primary**
24 **election**, must be in substantially the following form:

25 "Application for absent voter ballot for:

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

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

1 [] Both the primary election or special primary election to
2 be held on _____ (Date) and the election or special
3 election that follows to be held on _____ (Date).

4 [] Any election, special election, primary election, or
5 special primary election, other than a presidential primary
6 election, to be held in calendar year _____.

7 (Check applicable election or elections)

8 I, _____, a United States
9 citizen and a qualified and registered elector of the
10 precinct of the township of or of the
11 ward of the city of _____, in the
12 county of and state of Michigan,
13 apply for an official ballot, or ballots, to be voted by me at the
14 election or elections as requested in this application.

15

16 Send absent voter ballot to me at:
17

18 (Street No. or R.R.)

19

20 (Post Office) (State) (Zip Code)

21 My registered address

22 (Street No. or R.R.)

23

24 (Post Office) (State) (Zip Code)

25 Date.....

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

29



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

Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application

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;



1 and that I am aware that a false statement in this certificate is a
2 violation of Michigan election law.

3
4 _____
5 (Date) (Signature)"

6
7 (6) The absent voter ballot application for a presidential
8 primary election must be in substantially the form provided in
9 subsection (5) except that the application must comply with section
10 759c and must only be used for that presidential primary election
11 and not for any other election, special election, primary election,
12 or special primary election.

13 (7) ~~(6)~~—The following instructions for an applicant for an
14 absent voter ballot must be included with each application
15 furnished an applicant:

16
17 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

29 (b) Deliver the application personally to the clerk's office,

1 to the clerk, or to an authorized assistant of the clerk.

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

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

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

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

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

