

SENATE BILL NO. 79

January 29, 2019, Introduced by Senators WOJNO, HERTEL, HOLLIER, MCMORROW, BULLOCK, GEISS, POLEHANKI and CHANG and referred to the Committee on Elections.

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

1 disseminating information on the procedures for registering and
2 voting to an absent uniformed services voter and an overseas voter.

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

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

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

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

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

24 (6) Upon the request of an absent uniformed services voter or
 25 overseas voter, the clerk of a county, city, township, or village
 26 shall electronically transmit an absent voter ballot to the voter.
 27 ~~The~~**Except as otherwise provided in this subsection, the** voter
 28 shall print the absent voter ballot and return the voted ballot by
 29 mail to the appropriate clerk. **A member of a uniformed service on**

1 active duty, by reason of being on active duty, or a member of the
 2 merchant marine, by reason of service in the merchant marine, who
 3 is absent on the date of an election from the place of residence
 4 where the member is otherwise qualified to vote may, if using a
 5 United States military issued electronic mail address, return the
 6 voted ballot electronically to the appropriate clerk.

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

19 (8) The secretary of state shall modify the printed statement
 20 provided under section 761(4) and the absent voter ballot
 21 instructions provided under section 764a as appropriate to
 22 accommodate the procedures developed for electronically
 23 transmitting an absent voter ballot to an absent uniformed services
 24 voter or overseas voter. A statement ~~shall~~**must** be included in the
 25 certificate signed by the absent voter who obtained his or her
 26 absent voter ballot through an electronic transmission that the
 27 secrecy of the absent voter ballot may be compromised during the
 28 duplication process. The absent voter ballot instructions provided
 29 to an absent uniformed services voter or overseas voter ~~shall~~**must**

1 include the proper procedures for returning the absent voter ballot
2 to the appropriate clerk.

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

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

29 (11) An electronic mail address provided by an absent

1 uniformed services voter or overseas voter for the purposes of this
2 section is confidential and exempt from disclosure under the
3 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

8 (13) An absent uniformed services voter or an overseas voter
9 may use the federal write-in absentee ballot, in accordance with
10 the provisions of the uniformed and overseas citizens absentee
11 voting act, at a regular election or special election to vote for a
12 local, state, or federal office or on a ballot question. ~~An~~**Except**
13 **as otherwise provided in this subsection, an** absent uniformed
14 services voter or an overseas voter who uses the federal write-in
15 absentee ballot shall return his or her voted federal write-in
16 absentee ballot by mail to the appropriate clerk. **A member of a**
17 **uniformed service on active duty, by reason of being on active**
18 **duty, or a member of the merchant marine, by reason of service in**
19 **the merchant marine, who is absent on the date of an election from**
20 **the place of residence where the member is otherwise qualified to**
21 **vote may, if using a United States military issued electronic mail**
22 **address, return the voted ballot electronically to the appropriate**
23 **clerk.** The state bureau of elections shall do both of the
24 following:

25 (a) Make the ballot format for each election available to
26 absent uniformed services voters and overseas voters by electronic
27 mail or on an internet website maintained by the department of
28 state.

29 (b) Make the ballot information, including the offices, names

1 of candidates, and ballot proposals, for each election available to
2 absent uniformed services voters and overseas voters on an internet
3 website maintained by the department of state.

4 (14) The clerk of a city, village, or township shall submit to
5 the county clerk of the county in which that city, village, or
6 township is located a written statement no later than 45 days
7 before each election indicating whether absent voter ballots were
8 issued to absent uniformed services voters or overseas voters in
9 compliance with this section and the uniformed and overseas
10 citizens absentee voting act. The city, village, or township clerk
11 shall provide to the county clerk a written explanation describing
12 remedial actions taken by the city, village, or township clerk if
13 the city, village, or township clerk fails to comply with this
14 section and the uniformed and overseas citizens absentee voting
15 act. Not later than 42 days before each election, each county clerk
16 shall submit to the state bureau of elections a written report
17 compiled from the written statements submitted by the city,
18 village, and township clerks. The written report ~~shall~~**must**
19 identify the cities, villages, and townships that complied with the
20 45-day deadline under this subsection, the cities, villages, and
21 townships that did not comply with the 45-day deadline under this
22 subsection, but provided a written explanation, and those cities,
23 villages, and townships that did not comply with the 45-day
24 deadline under this subsection and that did not provide a written
25 explanation. The state bureau of elections may require the clerk of
26 a city, village, or township that did not comply with the 45-day
27 deadline under this subsection, but provided a written explanation,
28 to provide additional information. The state bureau of elections
29 shall require the clerk of a city, village, or township that did

1 not comply with the 45-day deadline and that did not provide a
2 written explanation to file a written explanation, describing the
3 remedial actions taken by the city, village, or township clerk,
4 within 1 business day after the state bureau of elections notifies
5 the clerk of that city, village, or township.

6 (15) For a presidential primary election, the secretary of
7 state shall prescribe procedures for contacting an elector who is
8 an absent uniformed services voter or an overseas voter, as
9 described in this section, and who is eligible to receive an absent
10 voter ballot or who applies for an absent voter ballot for the
11 presidential primary election, offering the elector the opportunity
12 to select a political party ballot for the presidential primary
13 election.

14 (16) The secretary of state shall order a city, village, or
15 township clerk to extend the ballot receipt deadline for any
16 absentee voter ballots under this section that were not transmitted
17 to an absent uniformed services voter or overseas voter in
18 compliance with subsection (5). The extension ~~shall~~**must** equal the
19 total number of days beyond the deadline as provided in subsection
20 (5) that the city, village, or township clerk transmitted the
21 requested absentee voter ballots. These absentee voter ballots
22 received during the extension time ~~shall~~**must** be counted and
23 tabulated for the final results of the election provided that the
24 absentee voter ballots are executed and sent by the close of the
25 polls on election day. The election may be formally certified
26 before the end of the extension time if the number of outstanding
27 absentee voter ballots under this subsection will not alter the
28 outcome of the election.

29 (17) As used in this section:

1 (a) "Absent uniformed services voter" means any of the
2 following:

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

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

9 (iii) A spouse or dependent of a member referred to in
10 subparagraph (i) or (ii) who, by reason of the active duty or service
11 of the member, is absent from the place of residence where the
12 spouse or dependent is otherwise qualified to vote.

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

17 (i) Employed as an officer or crew member of a vessel
18 documented under the laws of the United States, a vessel owned by
19 the United States, or a vessel of foreign-flag registry under
20 charter to or control of the United States.

21 (ii) Enrolled with the United States for employment or training
22 for employment, or maintained by the United States for emergency
23 relief service, as an officer or crew member of a vessel documented
24 under the laws of the United States, a vessel owned by the United
25 States, or a vessel of foreign-flag registry under charter to or
26 control of the United States.

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

28 (i) An absent uniformed services voter who, by reason of active
29 duty or service, is absent from the United States on the date of an

1 election.

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

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

9 (d) "Uniformed services" means the ~~army, navy, air force,~~
10 ~~marine corps, coast guard,~~ **Army, Navy, Air Force, Marine Corps, or**
11 **Coast Guard**, the ~~commissioned corps~~ **Commissioned Corps** of the
12 ~~public health service,~~ **Public Health Service**, the ~~commissioned~~
13 ~~corps~~ **Commissioned Corps** of the ~~national oceanic~~ **National Oceanic**
14 ~~and atmospheric administration,~~ **Atmospheric Administration**, a
15 reserve component of a uniformed service, or the Michigan ~~national~~
16 ~~guard~~ **National Guard** as **that term is** defined in section 105 of the
17 Michigan military act, 1967 PA 150, MCL 32.505.

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