

SUBSTITUTE FOR
HOUSE BILL NO. 4839

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 provided in section 761(2), the clerk of a city or township shall
2 not issue an absent voter ballot to a registered elector in that
3 city or township after 4 p.m. on the day before the ~~election.~~
4 **primary or special primary.** An application received before a
5 primary or special primary may be for either that primary or
6 **special primary** only, or for that primary or **special primary** and
7 the election or **special election** that **immediately** follows. **The**
8 **clerk of a city or township may provide an annual absent voter**
9 **ballot application to an elector that allows an elector to select**
10 **any or all of the elections to be held in the calendar year. An**
11 **annual absent voter ballot application that allows an elector to**
12 **select any or all of the elections to be held in the calendar year**
13 **must not be sent out or made available to an elector more than 75**
14 **days before the first regular election date each year as provided**
15 **in section 641. If the secretary of state provides an absent voter**
16 **ballot application that contains more election options than an**
17 **absent voter ballot application provided by a city or township, and**
18 **the absent voter ballot application otherwise complies with the**
19 **requirements of this section, the clerk of the city or township**
20 **shall honor the election options requested by an elector who uses**
21 **the absent voter ballot application provided by the secretary of**
22 **state.** An individual may submit a voter registration application
23 and an absent voter ballot application at the same time if applying
24 in person with the clerk or deputy clerk of the city or township in
25 which the individual resides. Immediately after his or her voter
26 registration application and absent voter ballot application are
27 approved by the clerk or deputy clerk, the individual may, subject
28 to the identification requirement in section 761(6), complete an
29 absent voter ballot at the clerk's office.

1 (2) Except as otherwise provided in subsection (1) and subject
2 to **this subsection and** section 761(3), at any time during the 75
3 days before an election **or special election**, but not later than 8
4 p.m. on the day of an election **or special election**, an elector may
5 apply for an absent voter ballot. The elector shall apply in person
6 or by mail with the clerk of the township ~~, or city, or village~~ in
7 which the voter is registered. The clerk of a city or township
8 shall not send by first-class mail an absent voter ballot to an
9 elector after 5 p.m. on the Friday immediately before the election
10 **or special election**. Except as otherwise provided in section
11 761(2), the clerk of a city or township shall not issue an absent
12 voter ballot to a registered elector in that city or township after
13 4 p.m. on the day before the election **or special election**. **The**
14 **clerk of a city or township may provide an annual absent voter**
15 **ballot application to an elector that allows an elector to select**
16 **any or all of the elections to be held in the calendar year. An**
17 **annual absent voter ballot application that allows an elector to**
18 **select any or all of the elections to be held in the calendar year**
19 **must not be sent out or made available to an elector more than 75**
20 **days before the first regular election date each year as provided**
21 **in section 641. If the secretary of state provides an absent voter**
22 **ballot application that contains more election options than an**
23 **absent voter ballot application provided by a city or township, and**
24 **the absent voter ballot application otherwise complies with the**
25 **requirements of this section, the clerk of the city or township**
26 **shall honor the election options requested by an elector who uses**
27 **the absent voter ballot application provided by the secretary of**
28 **state**. An individual may submit a voter registration application
29 and an absent voter ballot application at the same time if applying

1 in person with the clerk or deputy clerk of the city or township in
 2 which the individual resides. Immediately after his or her voter
 3 registration application and absent voter ballot application are
 4 approved by the clerk, the individual may, subject to the
 5 identification requirement in section 761(6), complete an absent
 6 voter ballot at the clerk's office.

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

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

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

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

14 **(d)** ~~(e)~~ On a federal postcard application.

15 (4) An applicant for an absent voter ballot shall sign the
 16 application. Subject to section 761(2), a clerk or assistant clerk
 17 shall not deliver an absent voter ballot to an applicant who does
 18 not sign the application. ~~A person~~ **An individual** shall not be in
 19 possession of a signed absent voter ballot application except for
 20 the applicant; a member of the applicant's immediate family; a
 21 ~~person~~ **an individual** residing in the applicant's household; a
 22 ~~person~~ **an individual** whose job normally includes the handling of
 23 mail, but only during the course of his or her employment; a
 24 registered elector requested by the applicant to return the
 25 application; or a clerk, assistant of the clerk, or other
 26 authorized election official. A registered elector who is requested
 27 by the applicant to return his or her absent voter ballot
 28 application shall sign the certificate on the absent voter ballot
 29 application.

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

6 "Application for absent voter ballot for:

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

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

11 [] **Both the primary election or special primary election to**
12 **be held on _____ (Date) and the election or special**
13 **election that follows to be held on _____ (Date).**

14 [] **Any election, special election, primary election, or**
15 **special primary election to be held in calendar year _____.**

16 (Check applicable election or elections)

17 I, , a United States
18 citizen and a qualified and registered elector of the
19 precinct of the township of or of the
20 ward of the city of , in the
21 county of and state of Michigan,
22 apply for an official ballot, or ballots, to be voted by me at the
23 election or elections as requested in this application.

24 Send absent voter ballot to me at:

25
26 (Street No. or R.R. or Designated Address)

27
28 (Post Office) (State) (Zip Code)

29 My registered address

1 (Street No. or R.R. or Participant
2 Identification Number)
3
4 (Post Office) (State) (Zip Code)
5 Date.....

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

9
10 (Signature)

11 WARNING

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

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

26 Certificate of Authorized Registered
27 Elector Returning Absent Voter
28 Ballot Application
29

1 I certify that my name is , my address is
 2 , and my date of birth is ; that
 3 I am delivering the absent voter ballot application of
 4 at his or her request; that I did not solicit
 5 or request to return the application; that I have not made any
 6 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 a
 9 violation of Michigan election law.

10 _____
 11 (Date) (Signature)"

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

15 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

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

28 (c) In either (a) or (b), a member of the immediate family of
 29 the voter including a father-in-law, mother-in-law, brother-in-law,

1 sister-in-law, son-in-law, daughter-in-law, grandparent, or
2 grandchild or ~~a person~~**an individual** residing in the voter's
3 household may mail or deliver the application to the clerk for the
4 applicant.

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

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

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

23 (9) The absent voter ballot application of an elector who is a
24 program participant, as that term is defined in **section 3 of** the
25 address confidentiality program act, **2020 PA 301, MCL 780.853**, is
26 confidential and not subject to disclosure under the freedom of
27 information act, 1976 PA 442, MCL 15.231 to 15.246.