

SUBSTITUTE FOR
HOUSE BILL NO. 5268

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 **subsection (10) and** section 761(3),
2 at any time during the 75 days before a primary or special primary,
3 but not later than 8 p.m. on the day of a primary or special
4 primary, an elector may apply for an absent voter ballot. The
5 elector shall apply in person or **in writing** by mail, **email, or**
6 **facsimile** with the clerk of the township or city in which the
7 elector is registered. **An absent voter ballot application must not**
8 **be sent out or made available to an elector more than 75 days**
9 **before an election.** 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. Except as
3 otherwise provided in section 761(2), the clerk of a city or
4 township shall not issue an absent voter ballot to a registered
5 elector in that city or township after 4 p.m. on the day before the
6 election. An application received before a primary or special
7 primary may be for either that primary only, or for that primary
8 and the election that follows. An individual may submit a voter
9 registration application and an absent voter ballot application at
10 the same time if applying in person with the clerk or deputy clerk
11 of the city or township in which the individual resides.
12 Immediately after his or her voter registration application and
13 absent voter ballot application are approved by the clerk or deputy
14 clerk, the individual may, subject to the identification
15 requirement in section 761(6), complete an absent voter ballot at
16 the clerk's office.

17 (2) Except as otherwise provided in subsection (1) and subject
18 to **subsection (10) and** section 761(3), at any time during the 75
19 days before an election, but not later than 8 p.m. on the day of an
20 election, an elector may apply for an absent voter ballot. The
21 elector shall apply in person or **in writing** by mail, **email, or**
22 **facsimile** with the clerk of the township ~~, or city, or village~~ in
23 which the voter is registered. **An absent voter ballot application**
24 **must not be sent out or made available to an elector more than 75**
25 **days before an election.** The clerk of a city or township shall not
26 send by first-class mail an absent voter ballot to an elector after
27 5 p.m. on the Friday immediately before the election. Except as
28 otherwise provided in section 761(2), the clerk of a city or
29 township shall not issue an absent voter ballot to a registered

1 elector in that city or township after 4 p.m. on the day before the
2 election. An individual may submit a voter registration application
3 and an absent voter ballot application at the same time if applying
4 in person with the clerk or deputy clerk of the city or township in
5 which the individual resides. Immediately after his or her voter
6 registration application and absent voter ballot application are
7 approved by the clerk, the individual may, subject to the
8 identification requirement in section 761(6), complete an absent
9 voter ballot at the clerk's office.

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

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

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

15 (c) On a federal postcard application.

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

9 [] The election to be held on _____ (Date).

10 (Check applicable election or elections)

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

18 Send absent voter ballot to me at:

19

20 (Street No. or R.R. or Designated Address)

21

22 (Post Office) (State) (Zip Code)

23 My registered address

24 (Street No. or R.R. or Participant

25 Identification Number)

26

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

28 Date.....

29 I certify that I am a United States citizen and that

1 the statements in this absent voter ballot application
2 are true.

3
4 (Signature)

5 WARNING

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

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

20 Certificate of Authorized Registered
21 Elector Returning Absent Voter
22 Ballot Application

23 I certify that my name is , my address is
24 , and my date of birth is ; that
25 I am delivering the absent voter ballot application of
26 at his or her request; that I did not solicit
27 or request to return the application; that I have not made any
28 markings on the application; that I have not altered the
29 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 (Date) (Signature)"

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

8 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

9 Step 1. After completely filling out the application, sign and
10 date the application in the place designated. Your signature must
11 appear on the application or you may not receive an absent voter
12 ballot.

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

14 (a) Place the application in an envelope addressed to the
15 appropriate clerk and place the necessary postage upon the return
16 envelope and deposit it in the United States mail or with another
17 public postal service, express mail service, parcel post service,
18 or common carrier.

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

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

26 (d) If an applicant cannot return the application in any of
27 the above methods, the applicant may select any registered elector
28 to return the application. The person returning the application
29 must sign and return the certificate at the bottom of the

1 application.

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

6 (8) A person who makes a false statement in an absent voter
7 ballot application is guilty of a misdemeanor. A person who forges
8 a signature on an absent voter ballot application is guilty of a
9 felony. A person who is not authorized in this act and who both
10 distributes absent voter ballot applications to absent voters and
11 returns those absent voter ballot applications to a clerk or
12 assistant of the clerk is guilty of a misdemeanor.

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

18 **(10) A county, city, or township clerk is prohibited from**
19 **sending an absent voter ballot application to an elector unless the**
20 **elector has requested an absent voter ballot as provided under**
21 **subsection (1) or (2) or unless the elector has requested to be**
22 **placed on a permanent absent voter application list maintained by a**
23 **city or township clerk. The secretary of state is prohibited from**
24 **sending an absent voter ballot application to an elector.**