

# HOUSE BILL NO. 4839

May 13, 2021, Introduced by Rep. Paquette 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 2020 PA 302.

**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

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

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

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

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

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

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

29           (d) ~~(e)~~ On a federal postcard application.

1           (4) An applicant for an absent voter ballot shall sign the  
 2 application. Subject to section 761(2), a clerk or assistant clerk  
 3 shall not deliver an absent voter ballot to an applicant who does  
 4 not sign the application. ~~A person~~ **An individual** shall not be in  
 5 possession of a signed absent voter ballot application except for  
 6 the applicant; a member of the applicant's immediate family; a  
 7 ~~person~~ **an individual** residing in the applicant's household; a  
 8 ~~person~~ **an individual** whose job normally includes the handling of  
 9 mail, but only during the course of his or her employment; a  
 10 registered elector requested by the applicant to return the  
 11 application; or a clerk, assistant of the clerk, or other  
 12 authorized election official. A registered elector who is requested  
 13 by the applicant to return his or her absent voter ballot  
 14 application shall sign the certificate on the absent voter ballot  
 15 application.

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

21           "Application for absent voter ballot for:

22           [ ] The primary **election** or special primary election to be  
 23 held on \_\_\_\_\_ (Date).

24           [ ] The election **or special election** to be held on \_\_\_\_\_  
 25 (Date).

26           [ ] **Both the primary election or special primary election to**  
 27 **be held on \_\_\_\_\_ (Date) and the election or special**  
 28 **election that follows to be held on \_\_\_\_\_ (Date).**

29           [ ] **Any election, special election, primary election, or**

1 **special primary election to be held in calendar year \_\_\_\_\_.**

2 (Check applicable election or elections)

3 I, ..... , a United States  
4 citizen and a qualified and registered elector of the .....  
5 precinct of the township of ..... or of the .....  
6 ward of the city of ..... , in the  
7 county of ..... and state of Michigan,  
8 apply for an official ballot, or ballots, to be voted by me at the  
9 election or elections as requested in this application.

10 Send absent voter ballot to me at:

11 .....

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

13 .....

14 (Post Office) (State) (Zip Code)

15 My registered address .....

16 (Street No. or R.R. or Participant  
17 Identification Number)

18 .....

19 (Post Office) (State) (Zip Code)

20 Date.....

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

24 .....

25 (Signature)

26 WARNING

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

29

1 ballot.

2 ~~A person~~**An individual** making a false statement in this absent  
3 voter ballot application is guilty of a misdemeanor. It is a  
4 violation of Michigan election law for ~~a person~~**an individual** other  
5 than those listed in the instructions to return, offer to return,  
6 agree to return, or solicit to return your absent voter ballot  
7 application to the clerk. An assistant authorized by the clerk who  
8 receives absent voter ballot applications at a location other than  
9 the clerk's office must have credentials signed by the clerk. Ask  
10 to see his or her credentials before entrusting your application  
11 with ~~a person~~**an individual** claiming to have the clerk's  
12 authorization to return your application.

13 Certificate of Authorized Registered  
14 Elector Returning Absent Voter  
15 Ballot Application

16 I certify that my name is ..... , my address is  
17 ..... , and my date of birth is ..... ; that  
18 I am delivering the absent voter ballot application of  
19 ..... at his or her request; that I did not solicit  
20 or request to return the application; that I have not made any  
21 markings on the application; that I have not altered the  
22 application in any way; that I have not influenced the applicant;  
23 and that I am aware that a false statement in this certificate is a  
24 violation of Michigan election law.

25 \_\_\_\_\_  
26 (Date) (Signature)"

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

1 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

2 Step 1. After completely filling out the application, sign and  
3 date the application in the place designated. Your signature must  
4 appear on the application or you may not receive an absent voter  
5 ballot.

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

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

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

14 (c) In either (a) or (b), a member of the immediate family of  
15 the voter including a father-in-law, mother-in-law, brother-in-law,  
16 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
17 grandchild or ~~a person~~ **an individual** residing in the voter's  
18 household may mail or deliver the application to the clerk for the  
19 applicant.

20 (d) If an applicant cannot return the application in any of  
21 the above methods, the applicant may select any registered elector  
22 to return the application. The ~~person~~ **individual** returning the  
23 application must sign and return the certificate at the bottom of  
24 the application.

25 (7) ~~A person~~ **An individual** who prints and distributes absent  
26 voter ballot applications shall print on the application the  
27 warning, certificate of authorized registered elector returning  
28 absent voter ballot application, and instructions required by this  
29 section.

1           (8) ~~A person~~**An individual** who makes a false statement in an  
2 absent voter ballot application is guilty of a misdemeanor. ~~A~~  
3 ~~person~~**An individual** who forges a signature on an absent voter  
4 ballot application is guilty of a felony. ~~A person~~**An individual**  
5 who is not authorized in this act and who both distributes absent  
6 voter ballot applications to absent voters and returns those absent  
7 voter ballot applications to a clerk or assistant of the clerk is  
8 guilty of a misdemeanor.

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