



# SENATE BILL No. 366

March 1, 1995, Introduced by Senators BENNETT, DUNASKISS, O'BRIEN, HONIGMAN and YOUNG and referred to the Committee on Government Operations.

A bill to amend sections 758, 759, 759b, and 769 of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," section 759 as amended by Act No. 201 of the Public Acts of 1982, being sections 168.758, 168.759, 168.759b, and 168.769 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 758, 759, 759b, and 769 of Act No. 116  
2 of the Public Acts of 1954, section 759 as amended by Act No. 201  
3 of the Public Acts of 1982, being sections 168.758, 168.759,  
4 168.759b, and 168.769 of the Michigan Compiled Laws, are amended  
5 to read as follows:

6 Sec. 758. ~~(1) For the purposes of~~ AS USED IN this act,  
7 "absent voter" means a qualified and registered elector. ~~— (a)~~  
8 ~~Who, on account of physical disability, cannot without another's~~

~~1 assistance attend the polls on the day of an election. (b) Who,~~  
~~2 on account of the tenets of his religion, cannot attend the polls~~  
~~3 on the day of election. (c) Who cannot attend the polls on the~~  
~~4 day of an election in the precinct in which he resides because of~~  
~~5 being an election precinct inspector in another precinct. (d)~~  
~~6 Who is 60 years of age or more. (e) Who is absent or expects to~~  
~~7 be absent from the township or city in which he or she resides~~  
~~8 during the entire period the polls are open for voting on the day~~  
~~9 of an election. (f) Who cannot attend the polls on election day~~  
~~10 because of being confined in jail awaiting arraignment or trial.~~  
~~11 (2) Subsection (1) shall not be applicable to~~ ABSENT VOTER DOES  
 12 NOT INCLUDE a person who ~~has moved~~ MOVES to another state,  
 13 regardless of length of residence ~~therein~~ IN THAT STATE, and  
 14 who no longer maintains ~~an actual~~ A residence in ~~Michigan~~  
 15 THIS STATE. The storage of personal effects or household goods,  
 16 the ownership of property ~~which~~ THAT is rented or leased to  
 17 others, or occasional brief visits to a former Michigan domicile  
 18 while residing elsewhere for most of the year ~~shall~~ DO not con-  
 19 stitute a residence for voting purposes in this state, except as  
 20 defined in section 1 of article ~~2~~ II of the state constitution  
 21 of 1963 and statutes enacted ~~thereunder,~~ UNDER THAT SECTION and  
 22 except IN THE CASE OF former residents of ~~Michigan~~ THIS STATE  
 23 domiciled in the District of Columbia ~~,~~ or ~~to former~~  
 24 ~~residents~~ who are serving in the United States army, navy, mer-  
 25 chant marine, marine corps, or air force.

26       Sec. 759. (1) At any time during the 75 days ~~preceding~~  
 27 BEFORE a primary or special primary, but not later than 2 p.m. of

1 the Saturday immediately before the primary or special primary,  
 2 ~~a voter~~ AN ELECTOR who qualifies to vote as an absent voter, as  
 3 defined in section 758, may apply ~~to~~ FOR AN ABSENT VOTER  
 4 BALLOT. THE ELECTOR SHALL APPLY IN PERSON OR BY MAIL WITH THE  
 5 CLERK OF the township, city, or village ~~clerk, either in person~~  
 6 ~~or by mail, to vote absentee~~ IN WHICH THE ELECTOR IS  
 7 REGISTERED. An application received before a primary or special  
 8 primary may be for either that primary only, or for that primary  
 9 and the election ~~which~~ THAT follows.

10 (2) ~~At~~ EXCEPT AS PROVIDED IN SUBSECTION (1), AT any time  
 11 during the 75 days ~~preceding any other~~ BEFORE AN election, but  
 12 not later than 2 p.m. of the Saturday before the election, ~~a~~  
 13 ~~voter~~ AN ELECTOR who qualifies to vote as an absent voter, as  
 14 defined in section 758, may apply ~~to~~ FOR AN ABSENT VOTER  
 15 BALLOT. THE ELECTOR SHALL APPLY IN PERSON OR BY MAIL WITH THE  
 16 CLERK OF the township, city, or village ~~clerk, either in person~~  
 17 ~~or by mail, to vote absentee~~ IN WHICH THE VOTER IS REGISTERED.

18 (3) An application FOR AN ABSENT VOTER BALLOT under this  
 19 section may be made in any of the following ways:

20 (a) By a written request signed by the ~~voter stating the~~  
 21 ~~statutory grounds for making the application~~ ELECTOR.

22 (b) On an ABSENT VOTER BALLOT application form PRESCRIBED BY  
 23 THE SECRETARY OF STATE UNDER SUBSECTION (5) AND provided for that  
 24 purpose by the clerk of the city, township, or village.

25 (c) On a federal postcard application.

26 (4) The clerk of the city, township, or village shall have  
 27 THE PRESCRIBED ABSENT VOTER BALLOT application forms available in

1 the office of the clerk at all times and shall furnish an ABSENT  
2 VOTER BALLOT application form to anyone upon a verbal or written  
3 request.

4 (5) THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD ABSENT  
5 VOTER BALLOT APPLICATION FORM, INCLUDING THE SIZE OF THE FORM AND  
6 THE COLOR OF PAPER UPON WHICH THE FORM IS PRINTED. The ABSENT  
7 VOTER BALLOT application shall be in substantially the following  
8 form and shall be signed by the applicant:

9 "Application for absent ~~voter's~~ VOTER ballot for:

10 ☐ The primary or special primary election to be held  
11 on ..... , 19... .

12 ☐ The election to be held on ..... , 19... .

13 (Check applicable election or elections)

14 I, ..... , a duly qualified and registered elector of  
15 the ..... precinct of the township of ..... or village  
16 of ..... or of the ..... ward of the city  
17 of ..... , in the county of ..... and state of  
18 Michigan, ~~make application~~ APPLY for an official ballot, or  
19 ballots, to be voted by me at the election or elections as  
20 requested in this application.

21 ~~The statutory grounds on which I base my request are:~~

22 ☐ ~~I expect to be absent from the community in which I am~~  
23 ~~registered for the entire time the polls are open on election~~  
24 ~~day.~~

25 ☐ ~~I am physically unable to attend the polls without the~~  
26 ~~assistance of another.~~

1       ~~{ } I cannot attend the polls because of the tenets of my~~  
2 ~~religion.~~

3       ~~{ } I have been appointed an election precinct inspector in a~~  
4 ~~precinct other than the precinct where I reside.~~

5       ~~{ } I am 60 years of age or older.~~

6       ~~{ } I cannot attend the polls because I am confined to jail~~  
7 ~~awaiting arraignment or trial.~~

8       (Check applicable reason)

9       Send absent ~~voter's~~ VOTER ballot to me at:  
10       .....  
11       (Street No. or R.R.)  
12       .....  
13       (Post Office)                      (State)  
14       My registered address.....  
15                                      (Street No. or R.R.)  
16       .....  
17                                      (Post Office)                      (State)  
18       Date.....  
19       I declare THAT the ~~foregoing~~ statements ~~to be~~ IN THIS  
20       ABSENT VOTER BALLOT APPLICATION ARE true.  
21       .....  
22                                      (Signature)

23       A person making a false statement in this declaration is  
24 guilty of a misdemeanor."

25       (6) ~~(5)~~ A person who makes a false statement in an ABSENT  
26 VOTER BALLOT application ~~for an absent voter's ballot~~ is guilty  
27 of a misdemeanor.

28       Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN  
29 absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4  
30 p.m. on election day if ~~he shall have become physically dis-~~  
31 ~~abled or shall be absent from the city or township because of~~  
32 ~~sickness or death in the family which~~ AN EVENT has occurred at a  
33 time ~~which has~~ THAT made it impossible to apply for absent

1 voter ballots by the statutory deadline. The application shall  
2 be called an emergency absent voter BALLOT application.

3 (2) Emergency absent voter BALLOT applications may be made  
4 by letter or on a form PRESCRIBED BY THE SECRETARY OF STATE AND  
5 provided by the clerk. The application shall set forth that the  
6 voter is qualified to vote in the election ~~, stating the statu-~~  
7 ~~tory reason for applying for an emergency absent voter ballot~~  
8 and that ~~the reason for applying after the statutory deadline~~  
9 AN EVENT occurred at such a time to make it impossible to file an  
10 application for AN absent voter ~~ballots~~ BALLOT by the statutory  
11 deadline. THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD  
12 EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM, INCLUDING THE  
13 SIZE OF THE FORM AND THE COLOR OF PAPER UPON WHICH THE FORM IS  
14 PRINTED.

15 (3) ~~Any~~ A person intentionally making a false statement in  
16 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of  
17 a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person  
18 to make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER  
19 BALLOT application is guilty of a felony.

20 (4) Upon receipt by the clerk of a valid application for an  
21 emergency absent voter ballot, the clerk may deliver the ABSENT  
22 VOTER ballots to the applicant in person, through a deputy or an  
23 election assistant, or ~~he may deliver them~~ at his OR HER office  
24 to a person named by the applicant in the EMERGENCY ABSENT VOTER  
25 BALLOT application. The ABSENT voter ~~may~~ SHALL return the bal-  
26 lots to the clerk in the sealed envelope provided ~~therefor~~ FOR  
27 THAT REASON. THE ABSENT VOTER MAY RETURN THE ABSENT VOTER

1 BALLOTS TO THE CLERK in any manner. ~~he sees fit. To~~ HOWEVER,  
 2 TO be valid, THE ABSENT VOTER ballots ~~must~~ SHALL be returned to  
 3 the clerk in time to be delivered to the polls ~~prior to~~ BEFORE  
 4 8 p.m. on election day.

5 Sec. 769. (1) The provisions of this chapter ~~shall~~ DO not  
 6 ~~be construed so as to~~ prohibit ~~any~~ AN absent voter ~~, return~~  
 7 ~~ing to his place of residence,~~ from voting in person within his  
 8 OR HER precinct at ~~any regular or special election or official~~  
 9 ~~primary~~ AN election, notwithstanding that he ~~may have made~~  
 10 ~~application~~ OR SHE APPLIES for an absent ~~voter's~~ VOTER ballot  
 11 and the ~~same may have been~~ BALLOT IS mailed by the ~~said~~  
 12 clerk. ~~:- Provided, That such voter has not availed himself of~~

13 (2) SUBSECTION (1) APPLIES ONLY IF THE ELECTOR DOES NOT  
 14 EXERCISE the privileges of an absent voter, as provided by this  
 15 chapter ~~,~~ and ~~voted any such~~ VOTE AN ABSENT VOTER ballot  
 16 mailed ~~him~~ by the ~~said~~ clerk, and ~~provided also that he~~ IF  
 17 THE ELECTOR returns ~~such~~ THE ballot or ballots ~~, if~~ received  
 18 ~~,~~ to the board of inspectors of election in his OR HER  
 19 precinct. ~~In case any~~ IF AN absent voter ballot is so  
 20 returned, ~~it shall, by said~~ THE board ~~, be marked "cancelled"~~  
 21 ~~and placed~~ SHALL MARK IT "CANCELED" AND PLACE IT in the regular  
 22 box with other ~~cancelled~~ CANCELED ballots. ~~Any voter~~

23 (3) A PERSON voting at ~~any~~ AN election, both in person and  
 24 by means of an absent voter ballot, or who ~~shall attempt~~  
 25 ATTEMPTS so to vote, ~~shall, on conviction, be deemed~~ IS guilty  
 26 of a felony.