

HOUSE BILL No. 5079

September 20, 2001, Introduced by Rep. Bovin and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 1999
PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) Except as provided in subsection ~~-(5)-~~ (4),
2 each of the following persons who is a qualified elector of a
3 city, VILLAGE, or township in this state and who is not a regis-
4 tered voter may apply for an absent voter ballot ~~pursuant to~~ IN
5 THE MANNER DESCRIBED IN section 504:

6 (a) A civilian employee of the armed services outside of the
7 United States.

8 (b) A member of the armed services outside of the United
9 States.

1 (c) A citizen of the United States temporarily residing
2 outside the territorial limits of the United States.

3 (d) A citizen of the United States residing in the District
4 of Columbia.

5 (e) A spouse or dependent of a person described in
6 subdivisions (a) through (d) who is a citizen of the United
7 States and who is accompanying that person, ~~notwithstanding~~
8 ~~that~~ EVEN THOUGH the spouse or dependent is not a qualified
9 elector of a city, VILLAGE, or township of this state, ~~as long~~
10 ~~as~~ IF that spouse or dependent is not a qualified and registered
11 elector anywhere else in the United States.

12 ~~(2) A citizen described in subsection (1) other than a~~
13 ~~person described in subsection (1)(b) or a spouse or dependent of~~
14 ~~such a person described in subsection (1)(b) shall include, with~~
15 ~~an application for an absent voter ballot or registration, an~~
16 ~~affidavit in a form and manner approved by the state director of~~
17 ~~elections stating either of the following:~~

18 ~~(a) His or her qualifications as an elector at the time he~~
19 ~~or she departed from the United States or began residing in the~~
20 ~~District of Columbia and affirming that he or she has not relin-~~
21 ~~quished his or her citizenship or established residence for~~
22 ~~voting in any other place.~~

23 ~~(b) That he or she is a spouse or dependent of a person~~
24 ~~described in subsection (1)(a), (c), or (d), that he or she meets~~
25 ~~the qualifications as an elector other than residency in this~~
26 ~~state, and that he or she has not established a residence for~~
27 ~~voting in any other place.~~

1 (2) ~~-(3)-~~ Upon receipt of an application under this section
2 that complies with this act, a city, VILLAGE, or township clerk
3 shall forward to the applicant the absent voter ballots
4 requested, the forms necessary for registration, and instructions
5 for completing the forms. If the ballots are not yet available
6 at the time of receipt of the application, the clerk shall imme-
7 diately forward to the applicant the registration forms and
8 instructions, and forward the ballots as soon as they are
9 available. If the ballots and registration forms are received
10 before the close of the polls on election day and if the regis-
11 tration complies with the requirements of this act, the absent
12 voter ballots shall be delivered to the proper election board to
13 be voted. If the registration does not comply with the require-
14 ments of this act, the clerk shall retain the absent voter bal-
15 lots until the expiration of the time that the voted ballots must
16 be kept and shall then destroy the ballots without opening the
17 envelope. The clerk may retain registration forms completed
18 under this section in a separate file. The address in this state
19 shown on a registration form is the residence of the registrant.

20 (3) ~~-(4)-~~ The size of a precinct shall not be determined by
21 registration forms completed under this section.

22 (4) ~~-(5)-~~ A person described in subsection (1)(a) and (b)
23 and a spouse or dependent of that person who is accompanying that
24 person is registered to vote in a special primary or special gen-
25 eral election if he or she was registered to vote under this sec-
26 tion in the primary or general election immediately ~~preceding~~
27 BEFORE the special primary or special general election. The

1 city, VILLAGE, or township clerk who received that person's
2 completed registration forms in the primary or general election
3 shall forward to that person at his or her last known address an
4 absent voter ballot for the special primary or special general
5 election immediately upon the clerk's receipt of the absent voter
6 ballots for the special primary or special general election.

7 (5) ~~—(6) Pursuant to~~ UNDER the uniformed and overseas citi-
8 zens absentee voting act, Public Law 99-410, 100 Stat. 924, the
9 state director of elections shall approve a ballot form and reg-
10 istration procedures for electors in the armed services and elec-
11 tors outside the United States, including the spouses and depen-
12 dents accompanying those electors.

13 (6) ~~—(7) As used in this section, "armed services"~~ means
14 any of the following:

15 (a) The United States army, navy, air force, marine corps,
16 or coast guard.

17 (b) The United States merchant ~~—marines~~ MARINE.

18 (c) A reserve component of an armed service listed in
19 subdivision (a) or (b).

20 (d) The Michigan national guard as defined in section 105 of
21 the Michigan military act, 1967 PA 150, MCL 32.505.