

HOUSE BILL No. 4058

January 28, 2003, Introduced by Reps. Ward, Hune and Stakoe and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 758 and 759 (MCL 168.758 and 168.759),
section 758 as amended by 1996 PA 207 and section 759 as amended
by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. (1) For the purposes of this act, "absent voter"
2 means a qualified and registered elector who meets 1 or more of
3 the following requirements:

4 (a) On account of physical disability, cannot without
5 another's assistance attend the polls on ~~the day of an~~ election
6 day.

7 (b) On account of the tenets of his or her religion, cannot
8 attend the polls on ~~the day of~~ election day.

9 (c) Cannot attend the polls on ~~the day of an~~ election day

1 in the precinct in which he or she resides because of being an
2 election precinct inspector in another precinct.

3 (d) Is 60 years of age or older.

4 (e) Is ~~absent or expects to be absent from the township or~~
5 ~~city in which he or she resides during the entire period the~~
6 ~~polls are open for voting on the day of an election~~ **not**
7 **confident he or she will be available to attend the polls on**
8 **election day.**

9 (f) Cannot attend the polls on election day because of being
10 confined in jail awaiting arraignment or trial.

11 (2) Subsection (1) does not apply to a person who has moved
12 outside of this state, regardless of length of his or her
13 residence outside of this state, and who no longer maintains an
14 actual residence in this state. The storage of personal effects
15 or household goods, the ownership of property that is rented or
16 leased to others, or occasional brief visits to a former domicile
17 in this state while residing outside of this state for most of
18 the year does not constitute a residence for voting purposes in
19 this state, except for each of the following:

20 (a) A person described in section 1 of article II of the
21 state constitution of 1963 and statutes enacted under that
22 section.

23 (b) A person described in section 759a.

24 Sec. 759. (1) At any time during the 75 days before a
25 primary or special primary, but not later than 2 p.m. of the
26 Saturday immediately before the primary or special primary, an
27 elector who qualifies to vote as an absent voter, as defined in

1 section 758, may apply for an absent voter ballot. The elector
2 shall apply in person or by mail with the clerk of the township,
3 city, or village in which the elector is registered. An
4 application received before a primary or special primary may be
5 for either that primary only, or for that primary and the
6 election that follows.

7 (2) Except as otherwise provided in subsection (1), at any
8 time during the 75 days before an election, but not later than 2
9 p.m. of the Saturday before the election, an elector who
10 qualifies to vote as an absent voter, as defined in section 758,
11 may apply for an absent voter ballot. The elector shall apply in
12 person or by mail with the clerk of the township, city, or
13 village in which the voter is registered.

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

16 (a) By a written request signed by the voter stating the
17 statutory grounds for making the application.

18 (b) On an absent voter ballot application form provided for
19 that purpose by the clerk of the city, township, or village.

20 (c) On a federal postcard application.

21 (4) An applicant for an absent voter ballot shall sign the
22 application. A clerk or assistant clerk shall not deliver an
23 absent voter ballot to an applicant who does not sign the
24 application. A person other than the applicant; a member of the
25 applicant's immediate family; a person residing in the
26 applicant's household; a person whose job normally includes the
27 handling of mail, but only during the course of his or her

1 employment; a registered elector requested by the applicant; or a
 2 clerk, assistant of the clerk, or other authorized election
 3 official shall not be in possession of a signed absent voter
 4 ballot application. A registered elector who is requested by the
 5 applicant to return his or her absent voter ballot application
 6 shall sign the certificate on the absent voter ballot
 7 application.

8 (5) The clerk of the city, township, or village shall have
 9 absent voter ballot application forms available in the office of
 10 the clerk at all times and shall furnish an absent voter ballot
 11 application form to anyone upon a verbal or written request. The
 12 absent voter ballot application shall be in substantially the
 13 following form:

14 "Application for absent voter ballot for:

15 [] The primary or special primary election to be held
 16 on , ~~19~~ 20... .

17 [] The election to be held on , ~~19~~ 20... .

18 (Check applicable election or elections)

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

26 The statutory grounds on which I base my request are:

27 [] I ~~expect to be absent from the community in which I am~~

1 ~~registered for the entire time the polls are open~~ **am not**
 2 **confident I will be available to attend the polls** on election
 3 day.

4 [] I am physically unable to attend the polls without the
 5 assistance of another.

6 [] I cannot attend the polls because of the tenets of my
 7 religion.

8 [] I have been appointed an election precinct inspector in a
 9 precinct other than the precinct where I reside.

10 [] I am 60 years of age or older.

11 [] I cannot attend the polls because I am confined to jail
 12 awaiting arraignment or trial.

13 (Check applicable reason)

14 Send absent voter ballot to me at:

15
 16 (Street No. or R.R.)

17
 18 (Post Office) (State)

19 My registered address.....
 20 (Street No. or R.R.)

21
 22 (Post Office) (State)

23 Date.....

24 I declare that the statements in this absent voter ballot
 25 application are true.

26
 27 (Signature)

28 **WARNING**
 29 A person making a false statement in this absent voter ballot
 30 application is guilty of a misdemeanor. It is a violation of

1 Michigan election law for a person other than those listed in the
 2 instructions to return, offer to return, agree to return, or
 3 solicit to return your absent voter ballot application to the
 4 clerk. An assistant authorized by the clerk who receives absent
 5 voter ballot applications at a location other than the office of
 6 the clerk must have credentials signed by the clerk. Ask to see
 7 his or her credentials before entrusting your application with a
 8 person claiming to have the clerk's authorization to return your
 9 application.

10 Certificate of Authorized Registered

11 Elector Returning Absent Voter

12 Ballot Application

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

22 _____
 23 (Date) (Signature)"
 24 (6) The following instructions for an applicant for an absent
 25 voter ballot shall be included with each application furnished an
 26 applicant:

27 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

28 Step 1. After completely filling out the application, sign

1 and date the application in the place designated. Your signature
2 must appear on the application or you will not receive an absent
3 voter ballot.

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

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

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

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

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

24 (7) A person who prints and distributes absent voter ballot
25 applications shall print on the application the warning,
26 certificate of authorized registered elector returning absent
27 voter ballot application, and instructions required by this

1 section.

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