

HOUSE BILL No. 5214

September 22, 2005, Introduced by Reps. Gaffney, Brandenburg, Virgil Smith, Leland, Lemmons, Jr., Cushingberry, Tobocman, Hunter, McConico, LaJoy, Stewart, Waters and Lemmons, III and referred to the Committee on House Oversight, Elections, and Ethics.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) At any time during the 75 days before a primary
2 or special primary, but not later than 2 p.m. of the Saturday
3 immediately before the primary or special primary, an elector who
4 qualifies to vote as an absent voter, as defined in section 758,
5 may apply for an absent voter ballot. The elector shall apply in
6 person or by mail with the clerk of the township, city, or village
7 in which the elector is registered. An application received before
8 a primary or special primary may be for either that primary only,

1 or for that primary and the election that follows.

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

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

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

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

15 (c) On a federal postcard application.

16 (4) An applicant for an absent voter ballot shall sign the
17 application. A clerk or assistant clerk shall not deliver an absent
18 voter ballot to an applicant who does not sign the application. A
19 person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT**
20 **VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the
21 applicant's immediate family; a person residing in the applicant's
22 household; a person whose job normally includes the handling of
23 mail, but only during the course of his or her employment; a
24 registered elector requested by the applicant **TO RETURN THE**
25 **APPLICATION**; or a clerk, assistant of the clerk, or other
26 authorized election official. ~~shall not be in possession of a~~
27 ~~signed absent voter ballot application.~~ A registered elector who

1 is requested by the applicant to return his or her absent voter
 2 ballot application shall sign the certificate on the absent voter
 3 ballot application.

4 (5) The clerk of the city, township, or village shall have
 5 absent voter ballot application forms available in the **CLERK'S**
 6 office ~~of the clerk~~ at all times and shall furnish an absent
 7 voter ballot application form to anyone upon a verbal or written
 8 request. **IN ADDITION, THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE**
 9 **MAY FORWARD AN ABSENT VOTER BALLOT APPLICATION FORM TO A QUALIFIED**
 10 **AND REGISTERED ELECTOR WHO IS 60 YEARS OF AGE OR OLDER, EVEN IF THE**
 11 **ELECTOR HAS NOT REQUESTED AN ABSENT VOTER BALLOT APPLICATION FORM**
 12 **UNDER THIS SECTION.** The absent voter ballot application shall be in
 13 substantially the following form:

14 "Application for absent voter ballot for:

15 [] The primary or special primary election to be held on
 16 ~~....., 19...~~ _____ (DATE).

17 [] The election to be held on ~~....., 19..~~ _____ (DATE).

18 (Check applicable election or elections)

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

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

26 [] I expect to be absent from the community in which I am
 27 registered for the entire time the polls are open on election day.

1 [] I am physically unable to attend the polls without the
2 assistance of another.

3 [] I cannot attend the polls because of the tenets of my
4 religion.

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

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

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

10 (Check applicable reason)

11 Send absent voter ballot to me at:

12

13 (Street No. or R.R.)

14

15 (Post Office) (State) **(ZIP CODE)**

16 My registered address.....

17 (Street No. or R.R.)

18

19 (Post Office) (State) **(ZIP CODE)**

20 Date

21 I ~~declare~~ **CERTIFY** that the statements in this absent voter
22 ballot application are true.

23

24 (Signature)

25 WARNING

26 A person making a false statement in this absent voter ballot
27 application is guilty of a misdemeanor. It is a violation of

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

Certificate of Authorized Registered

Elector Returning Absent Voter

Ballot Application

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

(Date)

(Signature)"

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

(b) Deliver the application personally to the **CLERK'S** office, ~~of the clerk,~~ to the clerk, or to an authorized assistant of the clerk.

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

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

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter

1 ballot application, and instructions required by this 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 forges
4 a signature on an absent voter ballot application is guilty of a
5 felony. A person who is not authorized in this act and who both
6 distributes absent voter ballot applications to absent voters and
7 returns those absent voter ballot applications to a clerk or
8 assistant of the clerk is guilty of a misdemeanor.