

HOUSE BILL No. 4508

March 21, 2007, Introduced by Reps. Ward, Rocca, Wenke and LaJoy and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 758 and 764b (MCL 168.758 and 168.764b), as
amended by 1996 PA 207, and by adding section 763.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. (1) For the purposes of this act, "absent voter"
2 means **EITHER A QUALIFIED AND REGISTERED ELECTOR WHO MEETS THE**
3 **REQUIREMENTS UNDER SECTION 763 OR** a qualified and registered
4 elector who meets 1 or more of the following requirements:

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

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

1 (c) Cannot attend the polls on the day of an election in the
2 precinct in which he or she resides because of being an election
3 precinct inspector in another precinct.

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

5 (e) Is absent or expects to be absent from the township or
6 city in which he or she resides during the entire period the polls
7 are open for voting on the day of an election.

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

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

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

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

22 **SEC. 763. (1) A QUALIFIED AND REGISTERED ELECTOR WHO APPEARS**
23 **AT THE CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE AT ANY TIME DURING**
24 **THE 7 DAYS PRECEDING AN ELECTION BUT NOT LATER THAN 4 P.M. OF THE**
25 **DAY PRECEDING THE ELECTION EXCEPT SUNDAY OR A LEGAL HOLIDAY MAY**
26 **REQUEST AND COMPLETE AN ABSENT VOTER BALLOT APPLICATION AS SET**
27 **FORTH IN SUBSECTION (2). AN APPLICANT WHO COMPLETES AND SIGNS THE**

ABSENT VOTER BALLOT APPLICATION UNDER SUBSECTION (2) SHALL RECEIVE HIS OR HER ABSENT VOTER BALLOT AND VOTE THE BALLOT IN THE CLERK'S OFFICE WITHOUT HAVING TO PROVIDE A REASON IF HE OR SHE PRESENTS TO THE CLERK A MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE, DEPARTMENT OF STATE ISSUED PERSONAL IDENTIFICATION CARD, OTHER GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD, OR A PHOTO IDENTIFICATION CARD ISSUED BY AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE DESCRIBED IN SECTION 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963 OR A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963 TO ESTABLISH HIS OR HER IDENTITY. THE INSTRUCTIONS FOR AN ABSENT VOTER AS SET FORTH IN SECTION 764A SHALL BE INCLUDED WITH EACH BALLOT FURNISHED TO AN ABSENT VOTER UNDER THIS SECTION.

(2) THE ABSENT VOTER BALLOT APPLICATION USED PURSUANT TO THIS SECTION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

"APPLICATION FOR ABSENT VOTER BALLOT FOR:

☐ THE PRIMARY OR SPECIAL PRIMARY ELECTION TO BE HELD ON

..... , 20

☐ THE ELECTION TO BE HELD ON , 20

(CHECK APPLICABLE ELECTION OR ELECTIONS)

I, , A QUALIFIED AND REGISTERED ELECTOR OF THE PRECINCT OF THE TOWNSHIP OF OR VILLAGE OF OR OF THE WARD OF THE CITY OF , IN THE COUNTY OF AND STATE OF MICHIGAN, APPLY FOR AN OFFICIAL BALLOT, OR BALLOTS, TO BE VOTED BY ME AT THE ELECTION OR ELECTIONS AS REQUESTED IN THIS APPLICATION.

MY REGISTERED ADDRESS.....

(STREET NO. OR R.R.)

.....

(POST OFFICE) (STATE) (ZIP CODE)

DATE

I DECLARE THAT THE STATEMENTS IN THIS ABSENT VOTER BALLOT
APPLICATION ARE TRUE.

.....

(SIGNATURE)

WARNING

A PERSON MAKING A FALSE STATEMENT IN THIS ABSENT VOTER BALLOT
APPLICATION IS GUILTY OF A MISDEMEANOR."

(3) AN ABSENT VOTER UNDER THIS SECTION, AFTER RECEIVING AND
VOTING THE BALLOT IN THE CLERK'S OFFICE, SHALL SUBMIT THE BALLOT IN
THE RETURN ENVELOPE PERSONALLY TO THE CLERK OR AN AUTHORIZED
ASSISTANT CLERK. AS SET FORTH IN SECTION 761(4), AN ABSENT VOTER
UNDER THIS SECTION SHALL SIGN AND DATE THE RETURN ENVELOPE IN THE
PLACE DESIGNATED.

(4) A PERSON WHO MAKES A FALSE STATEMENT IN AN ABSENT VOTER
BALLOT APPLICATION IS GUILTY OF A MISDEMEANOR. A PERSON WHO FORGES
A SIGNATURE ON AN ABSENT VOTER BALLOT APPLICATION IS GUILTY OF A
FELONY.

(5) IF A CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE DOES NOT
MAINTAIN REGULAR BUSINESS HOURS DURING THE 7 DAYS PRECEDING AN
ELECTION, AND THE CITY, TOWNSHIP, OR VILLAGE CLERK ENTERS INTO AN
AGREEMENT WITH THE COUNTY CLERK THAT ALLOWS ABSENT VOTERS TO VOTE
AT THE COUNTY CLERK'S OFFICE, A QUALIFIED AND REGISTERED ELECTOR
MAY APPLY AND VOTE PURSUANT TO THIS SECTION AT THE COUNTY CLERK'S

1 OFFICE.

2 (6) EACH CITY, TOWNSHIP, OR VILLAGE CLERK MAY MAKE 1 VOTING
3 MACHINE AVAILABLE THAT ALLOWS AN ABSENT VOTER UNDER THIS SECTION TO
4 CHECK HIS OR HER BALLOT FOR ERRORS WITHOUT TABULATING THE BALLOT.
5 THIS SUBSECTION APPLIES TO EACH COUNTY CLERK WHO AGREES TO ALLOW
6 ABSENT VOTERS TO VOTE AT THE COUNTY CLERK'S OFFICE PURSUANT TO
7 SUBSECTION (5).

8 Sec. 764b. (1) ~~An~~ EXCEPT AS PROVIDED IN SECTION 763, AN absent
9 voter ballot shall be delivered to the clerk only as authorized in
10 the instructions for an absent voter provided in section 764a.

11 (2) The clerk of a city, township, or village may accept
12 delivery of absent voter ballots at any location in the city,
13 township, or village.

14 (3) The clerk of a city, township, or village may appoint the
15 number of assistants necessary to accept delivery of absent voter
16 ballots at any location in the city, township, or village. An
17 appointment as assistant to accept delivery of absent voter ballots
18 shall be for 1 election only. An assistant appointed to receive
19 ballots at a location other than the **CLERK'S** office ~~of the clerk~~
20 shall be furnished credentials of authority by the clerk. If an
21 absent voter's ballot is received by an assistant at any location
22 other than the clerk's office the assistant, upon request, shall
23 exhibit the credentials to the absent voter before the assistant
24 accepts an absent voter ballot. An assistant, before entering upon
25 the discharge of duties, shall take and subscribe to the oath of
26 office as provided in section 1 of article XI of the state
27 constitution of 1963. An assistant shall perform only the duties

1 assigned by the clerk. A person shall not be appointed as an
2 assistant to accept delivery of absent voter ballots who is a
3 candidate or a member of the immediate family of a candidate whose
4 name appears on the ballot at that election.

5 (4) A clerk who receives a request from an absent voter under
6 section 764a for assistance in returning his or her absent voter
7 ballot shall make arrangements to collect the ballot from the voter
8 either personally or by sending an authorized assistant, if all of
9 the following conditions are satisfied:

10 (a) The clerk's office issued the absent voter ballot to that
11 absent voter.

12 (b) Upon the clerk's request, the absent voter states that he
13 or she is unable to return the absent voter ballot by the other
14 means specified in instructions (a), (b), or (c) of Step 5 under
15 section 764a.

16 (c) The absent voter telephones the appropriate clerk for
17 assistance on or before 5 p.m. on the Friday immediately ~~preceding~~
18 **BEFORE** the election.

19 (d) The absent voter is requesting the clerk to pick up the
20 absent voter ballot within the jurisdictional limits of the city,
21 township, or village in which the absent voter is registered.

22 (5) Notwithstanding subsection (4), a clerk who receives a
23 request from an absent voter under section 764a for assistance in
24 returning his or her absent voter ballot may make arrangements to
25 collect the ballot from the voter either personally or by sending
26 an authorized assistant, if all of the following conditions are
27 satisfied:

1 (a) The clerk's office issued the absent voter ballot to that
2 absent voter.

3 (b) Upon the clerk's request, the absent voter states that he
4 or she is unable to return the absent voter ballot by the other
5 means specified in instructions (a), (b), or (c) of Step 5 under
6 section 764a.

7 (6) The clerk shall maintain a list open to the public that
8 contains the names and addresses of all authorized assistants
9 appointed under this section who are available to collect absent
10 voter ballots on or before election day in that city or township.

11 (7) An absent voter ballot received by the clerk before the
12 close of the polls on election day shall not be invalidated solely
13 because the delivery to the clerk was not in compliance with
14 section 764a or this section, however the ballot shall be
15 considered challenged and shall be marked and processed as provided
16 in section 745.