

# SENATE BILL No. 656

November 9, 2017, Introduced by Senators O'BRIEN, JONES and SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509q, 758, 759, and 761 (MCL 168.509q, 168.758, 168.759, and 168.761), section 509q as amended by 2012 PA 586, section 758 as amended by 1996 PA 207, and sections 759 and 761 as amended by 2012 PA 523, and by adding sections 499b and 735a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 499B. THE VOTER REGISTRATION APPLICATION OF AN ELECTOR**  
2 **WHO IS A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN THE**  
3 **ADDRESS CONFIDENTIALITY PROGRAM ACT, IS CONFIDENTIAL AND NOT**  
4 **SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA**  
5 **442, MCL 15.231 TO 15.246.**

6           Sec. 509q. (1) ~~The~~**SUBJECT TO SUBSECTION (2), THE** qualified

1 voter file ~~shall~~**MUST** contain all of the following information for  
2 each qualified voter:

3 (a) The name; residence address including house number and  
4 street name or rural route and box number, and the apartment  
5 number, if any; city; state; zip code; and date of birth.

6 (b) The ~~driver's~~**DRIVER** license number or state personal  
7 identification card number or similar number issued by a designated  
8 voter registration agency.

9 (c) Jurisdictional information including county and city or  
10 township; village, if any; metropolitan district, if any; and  
11 school district.

12 (d) Precinct numbers and ward numbers, if any.

13 (e) Any other information that the secretary of state  
14 determines is necessary to assess the eligibility of qualified  
15 electors or to administer voter registration or other aspects of  
16 the election process.

17 (f) Voting history for a 5-year period.

18 (g) The most recent digitized signature of an elector if  
19 captured or reproduced by the secretary of state or a county, city,  
20 or township clerk from a voter registration application ~~pursuant to~~  
21 **UNDER** section 509hh, or captured or reproduced by the secretary of  
22 state ~~pursuant to~~**UNDER** section 307 of the Michigan vehicle code,  
23 1949 PA 300, MCL 257.307.

24 (2) **IF A QUALIFIED VOTER IS A PROGRAM PARTICIPANT, AS THAT**  
25 **TERM IS DEFINED IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THE**  
26 **QUALIFIED VOTER FILE MUST ALSO CONTAIN THE PROGRAM PARTICIPANT'S**  
27 **UNIQUE IDENTIFICATION NUMBER ISSUED BY THE DEPARTMENT OF THE**

1 ATTORNEY GENERAL.

2 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A  
3 QUALIFIED VOTER IS A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED  
4 IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THE INFORMATION  
5 CONTAINED IN THE QUALIFIED VOTER FILE FOR THAT PROGRAM PARTICIPANT,  
6 INCLUDING HIS OR HER UNIQUE IDENTIFICATION NUMBER ISSUED BY THE  
7 DEPARTMENT OF THE ATTORNEY GENERAL, IS CONFIDENTIAL AND NOT SUBJECT  
8 TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,  
9 MCL 15.231 TO 15.246. THE INFORMATION CONTAINED IN THE QUALIFIED  
10 VOTER FILE FOR A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN  
11 THE ADDRESS CONFIDENTIALITY PROGRAM ACT, MAY BE USED BY AN ELECTION  
12 OFFICIAL DURING THE NORMAL COURSE OF HIS OR HER DUTIES AS AN  
13 ELECTION OFFICIAL.

14 SEC. 735A. FOR A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED  
15 IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, ANY POLL LIST OR POLL  
16 BOOK CREATED FOR OR USED AT AN ELECTION MUST ONLY CONTAIN THE NAME  
17 OF THAT PROGRAM PARTICIPANT AND A NOTATION FOR THE PRECINCT  
18 ELECTION INSPECTORS TO CONTACT THE CITY OR TOWNSHIP CLERK ON HOW TO  
19 PROCESS THE ELECTOR WHO IS A PROGRAM PARTICIPANT.

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

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

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

27 (c) Cannot attend the polls on the day of an election in the

1 precinct in which he or she resides because of being an election  
2 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 polls  
6 are open for voting on the day of an election.

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

9 **(G) IS A PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY**  
10 **PROGRAM AND PROVIDES HIS OR HER PROGRAM PARTICIPANT IDENTIFICATION**  
11 **NUMBER.**

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

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

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

24 Sec. 759. (1) At any time during the 75 days before a primary  
25 or special primary, but not later than 2 p.m. of the Saturday  
26 immediately before the primary or special primary, an elector who  
27 qualifies to vote as an absent voter, as defined in section 758,

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

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

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

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

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

19 (c) On a federal postcard application.

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

1 requested by the applicant to return the application; or a clerk,  
2 assistant of the clerk, or other authorized election official. A  
3 registered elector who is requested by the applicant to return his  
4 or her absent voter ballot application shall sign the certificate  
5 on the absent voter ballot application.

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

12 "Application for absent voter ballot for:

13 [ ] The primary or special primary election to be held on  
14 \_\_\_\_\_ (Date).

15 [ ] The election to be held on \_\_\_\_\_ (Date).

16 (Check applicable election or elections)

17 I, ..... , a United States  
18 citizen and a qualified and registered elector of the .....  
19 precinct of the township of ..... or village of .....  
20 or of the ..... ward of the city of  
21 ..... , in the county of  
22 ..... and state of Michigan, apply for  
23 an official ballot, or ballots, to be voted by me at the election  
24 or 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.



(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

A person making a false statement in this absent voter ballot 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 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;

1 and that I am aware that a false statement in this certificate is a  
2 violation of Michigan election law.

3  
4 (Date) (Signature) "

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

8 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

19 (b) Deliver the application personally to the clerk's office,  
20 to the clerk, or to an authorized assistant of the clerk.

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

1 (d) If an applicant cannot return the application in any of  
2 the above methods, the applicant may select any registered elector  
3 to return the application. The person returning the application  
4 must sign and return the certificate at the bottom of the  
5 application.

6 (7) A person who prints and distributes absent voter ballot  
7 applications shall print on the application the warning,  
8 certificate of authorized registered elector returning absent voter  
9 ballot application, and instructions required by this section.

10 (8) A person who makes a false statement in an absent voter  
11 ballot application is guilty of a misdemeanor. A person who forges  
12 a signature on an absent voter ballot application is guilty of a  
13 felony. A person who is not authorized in this act and who both  
14 distributes absent voter ballot applications to absent voters and  
15 returns those absent voter ballot applications to a clerk or  
16 assistant of the clerk is guilty of a misdemeanor.

17 **(9) THE ABSENT VOTER BALLOT APPLICATION OF AN ELECTOR WHO IS A**  
18 **PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN THE ADDRESS**  
19 **CONFIDENTIALITY PROGRAM ACT, IS CONFIDENTIAL AND NOT SUBJECT TO**  
20 **DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL**  
21 **15.231 TO 15.246.**

22 Sec. 761. (1) If the clerk of a city, township, or village  
23 receives an application for an absent voter ballot from a person  
24 registered to vote in that city, township, or village and if the  
25 signature on the application agrees with the signature for the  
26 person contained in the qualified voter file or on the registration  
27 card as required in subsection (2), the clerk immediately upon

1 receipt of the application or, if the application is received  
2 before the printing of the absent voter ballots, as soon as the  
3 ballots are received by the clerk, shall forward by mail, postage  
4 prepaid, or shall deliver personally 1 of the ballots or set of  
5 ballots if there is more than 1 kind of ballot to be voted to the  
6 applicant. Subject to the identification requirement in subsection  
7 (6), absent voter ballots may be delivered to an applicant in  
8 person at the office of the clerk. **IF THE CLERK OF A CITY OR  
9 TOWNSHIP RECEIVES AN APPLICATION FOR AN ABSENT VOTER BALLOT FROM AN  
10 APPLICANT WHO IS A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN  
11 THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THEN THE CITY OR TOWNSHIP  
12 CLERK SHALL MAIL AN ABSENT VOTER BALLOT TO THAT PROGRAM PARTICIPANT  
13 AT THE DESIGNATED ADDRESS PROVIDED TO THAT PROGRAM PARTICIPANT BY  
14 THE DEPARTMENT OF THE ATTORNEY GENERAL UNDER THE ADDRESS  
15 CONFIDENTIALITY PROGRAM ACT.**

16 (2) The qualified voter file ~~shall~~**MUST** be used to determine  
17 the genuineness of a signature on an application for an absent  
18 voter ballot. Signature comparisons ~~shall~~**MUST** be made with the  
19 digitized signature in the qualified voter file. If the qualified  
20 voter file does not contain a digitized signature of an elector, or  
21 is not accessible to the clerk, the city or township clerk shall  
22 compare the signature appearing on the application for an absent  
23 voter ballot to the signature contained on the master card.

24 (3) Notwithstanding section 759, providing that no absent  
25 voter applications shall be received by the clerk after 2 p.m. on  
26 the Saturday before the election, and subject to the identification  
27 requirement in subsection (6), a person qualified to vote as an

1 absent voter may apply in person at the clerk's office before 4  
2 p.m. on a day before the election except Sunday or a legal holiday  
3 to vote as an absent voter. The applicant shall receive his or her  
4 absent voter ballot and vote the ballot in the clerk's office. All  
5 other absent voter ballots, except ballots delivered pursuant to an  
6 emergency absent voter ballot application under section 759b, shall  
7 be mailed or delivered to the registration address of the applicant  
8 unless the application requests delivery to an address outside the  
9 city, village, or township or to a hospital or similar institution,  
10 in which case the absent voter ballots ~~shall~~**MUST** be mailed or  
11 delivered to the address given in the application. However, a clerk  
12 may mail or deliver an absent voter ballot, upon request of the  
13 absent voter, to a post office box if the post office box is where  
14 the absent voter normally receives personal mail and the absent  
15 voter does not receive mail at his or her registration address.

16 (4) Absent voter ballots ~~shall~~**MUST** be issued in the same  
17 order in which applications are received by the clerk of a city,  
18 township, or village, as nearly as may be, and each ballot issued  
19 ~~shall~~**MUST** bear the lowest number of each kind available for this  
20 purpose. However, this provision does not prohibit a clerk from  
21 immediately issuing an absent voter ballot to an absent voter who  
22 applies in person in the clerk's office for absent voter ballots.  
23 The clerk shall enclose with the ballot or ballots a return  
24 envelope properly addressed to the clerk and bearing upon the back  
25 of the envelope a printed statement in substantially the following  
26 form:

TO BE COMPLETED  
BY THE CLERK

Name of Voter Street Address or R.R.

OR PROGRAM PARTICIPATION  
IDENTIFICATION NUMBER

City, Township or Village County

Ward Precinct Date of Election

=====

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a qualified and registered elector of the city, township, or village named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: SIGN HERE: X

Signature of Absent Voter

The above form must be signed or your vote will not be counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

=====

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING  
BY ANOTHER PERSON

1 I assisted the above named absent voter who is disabled or  
2 otherwise unable to mark the ballot in marking his or her absent  
3 voter ballot pursuant to his or her directions. The absent voter  
4 ballot was inserted in the return envelope without being exhibited  
5 to any other person.

6

7 Signature of Person Street Address City, Twp., or  
8 Assisting Voter or R.R. Village

9

10 Printed Name of Person Assisting Voter

11 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A  
12 FALSE STATEMENT IS GUILTY OF A FELONY.

13 =====

14 WARNING

15 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER  
16 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A  
17 PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR  
18 RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY  
19 THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO  
20 HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC  
21 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR  
22 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER  
23 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER  
24 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR  
25 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER  
26 BALLOT IS GUILTY OF A FELONY.

27 (5) An absent voter who knowingly makes a false statement on

1 the absent voter ballot return envelope is guilty of a misdemeanor.  
2 A person who assists an absent voter and who knowingly makes a  
3 false statement on the absent voter ballot return envelope is  
4 guilty of a felony.

5 (6) If an elector obtains his or her absent voter ballot in  
6 person from the clerk of the city, township, or village in which he  
7 or she is registered, the clerk of the city, township, or village  
8 shall not provide an absent voter ballot to that elector until the  
9 elector identifies himself or herself to the clerk by presenting an  
10 official state identification card issued to that elector under  
11 1972 PA 222, MCL 28.291 to 28.300, an operator's or chauffeur's  
12 license issued to that elector under the Michigan vehicle code,  
13 1949 PA 300, MCL 257.1 to 257.923, or other generally recognized  
14 picture identification card. If an elector does not have an  
15 official state identification card, operator's or chauffeur's  
16 license, or other generally recognized picture identification card,  
17 the elector may sign an affidavit to that effect before the clerk  
18 of the city, township, or village and be allowed to obtain his or  
19 her absent voter ballot in person from the clerk. The clerk of the  
20 city, village, or township shall indicate to each elector who  
21 obtains his or her absent voter ballot in person from the clerk  
22 that the elector may sign an affidavit indicating that the elector  
23 does not have an official state identification card, operator's or  
24 chauffeur's license, or other generally recognized picture  
25 identification card in order to obtain his or her absent voter  
26 ballot in person from the clerk. However, if an elector obtains his  
27 or her absent voter ballot in person from the clerk and votes by

1 absent voter ballot without providing the identification required  
2 under this subsection, the absent voter ballot of that elector  
3 ~~shall~~**MUST** be prepared as a challenged ballot as provided in  
4 section 727 and ~~shall~~**MUST** be counted as any other ballot is  
5 counted unless determined otherwise by a court of law under section  
6 747 or 748 or any other applicable law.

7           Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.

9           Enacting section 2. This amendatory act does not take effect  
10 unless Senate Bill No. 655

11                   of the 99th Legislature is enacted into law.