



HOUSE BILL No. 4663

April 27, 1993, Introduced by Reps. Rivers, Wallace, Dobronski, Gire, DeMars, Agee, Saunders, Harrison, Jondahl, Joe Young, Jr., Stallworth, Willard, Schroer, Curtis, Yokich, Baade, Byrum, Barns and Leland and referred to the Committee on Local Government.

A bill to amend sections 758, 759, 759b, and 769 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," section 759 as amended by Act No. 201 of the Public Acts of 1982, being sections 168.758, 168.759, 168.759b, and 168.769 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 758, 759, 759b, and 769 of Act No. 116
2 of the Public Acts of 1954, section 759 as amended by Act No. 201
3 of the Public Acts of 1982, being sections 168.758, 168.759,
4 168.759b, and 168.769 of the Michigan Compiled Laws, are amended
5 to read as follows:

6 Sec. 758. ~~(1) For the purposes of~~ AS USED IN this act,
7 "absent voter" means a qualified and registered elector. ~~:(a)~~
8 ~~Who, on account of physical disability, cannot without another's~~

~~1 assistance attend the polls on the day of an election. (b) Who,~~
~~2 on account of the tenets of his religion, cannot attend the polls~~
~~3 on the day of election. (c) Who cannot attend the polls on the~~
~~4 day of an election in the precinct in which he resides because of~~
~~5 being an election precinct inspector in another precinct. (d)~~
~~6 Who is 60 years of age or more. (e) Who is absent or expects to~~
~~7 be absent from the township or city in which he or she resides~~
~~8 during the entire period the polls are open for voting on the day~~
~~9 of an election. (f) Who cannot attend the polls on election day~~
~~10 because of being confined in jail awaiting arraignment or trial.~~
 11 (2) Subsection (1) shall not be applicable to ABSENT VOTER DOES
 12 NOT INCLUDE a person who ~~has moved~~ MOVES to another state,
 13 regardless of length of residence ~~therein~~ IN THAT STATE, and
 14 who no longer maintains ~~an actual~~ A residence in ~~Michigan~~
 15 THIS STATE. The storage of personal effects or household goods,
 16 the ownership of property ~~which~~ THAT is rented or leased to
 17 others, or occasional brief visits to a former Michigan domicile
 18 while residing elsewhere for most of the year ~~shall~~ DO not con-
 19 stitute a residence for voting purposes in this state, except as
 20 defined in section 1 of article ~~2~~ II of the state constitution
 21 of 1963 and statutes enacted ~~thereunder,~~ UNDER THAT SECTION and
 22 except IN THE CASE OF former residents of ~~Michigan~~ THIS STATE
 23 domiciled in the District of Columbia ~~or~~ or ~~to former~~
 24 ~~residents~~ who are serving in the United States army, navy, mer-
 25 chant marine, marine corps, or air force.

26 Sec. 759. (1) At any time during the 75 days ~~preceding~~
 27 BEFORE a primary or special primary, but not later than 2 p.m. of

1 the Saturday immediately before the primary or special primary,
 2 ~~a voter~~ AN ELECTOR who qualifies to vote as an absent voter, as
 3 defined in section 758, may apply ~~to~~ FOR AN ABSENT VOTER
 4 BALLOT. THE ELECTOR SHALL APPLY IN PERSON OR BY MAIL WITH THE
 5 CLERK OF the township, city, or village ~~clerk, either in person~~
 6 ~~or by mail, to vote absentee~~ IN WHICH THE ELECTOR IS
 7 REGISTERED. An application received before a primary or special
 8 primary may be for either that primary only, or for that primary
 9 and the election ~~which~~ THAT follows.

10 (2) ~~At~~ EXCEPT AS PROVIDED IN SUBSECTION (1), AT any time
 11 during the 75 days ~~preceding any other~~ BEFORE AN election, but
 12 not later than 2 p.m. of the Saturday before the election, ~~a~~
 13 ~~voter~~ AN ELECTOR who qualifies to vote as an absent voter, as
 14 defined in section 758, may apply ~~to~~ FOR AN ABSENT VOTER
 15 BALLOT. THE ELECTOR SHALL APPLY IN PERSON OR BY MAIL WITH THE
 16 CLERK OF the township, city, or village ~~clerk, either in person~~
 17 ~~or by mail, to vote absentee~~ IN WHICH THE VOTER IS REGISTERED.

18 (3) An application FOR AN ABSENT VOTER BALLOT under this
 19 section may be made in any of the following ways:

20 (a) By a written request signed by the ~~voter stating the~~
 21 ~~statutory grounds for making the application~~ ELECTOR.

22 (b) On an ABSENT VOTER BALLOT application form provided for
 23 that purpose by the clerk of the city, township, or village.

24 (c) On a federal postcard application.

25 (4) The clerk of the city, township, or village shall have
 26 ABSENT VOTER BALLOT application forms available in the office of
 27 the clerk at all times and shall furnish an ABSENT VOTER BALLOT

1 application form to anyone upon a verbal or written request. The
2 ABSENT VOTER BALLOT application shall be in substantially the
3 following form and shall be signed by the applicant:

4 "Application for absent ~~voter's~~ VOTER ballot for:

5 ☐ The primary or special primary election to be held
6 on , 19... .

7 ☐ The election to be held on , 19... .

8 (Check applicable election or elections)

9 I, , a duly qualified and registered elector of
10 the precinct of the township of or village
11 of or of the ward of the city
12 of , in the county of and state of
13 Michigan, ~~make application~~ APPLY for an official ballot, or
14 ballots, to be voted by me at the election or elections as
15 requested in this application.

16 ~~The statutory grounds on which I base my request are:~~

17 ☐ ~~I expect to be absent from the community in which I am~~
18 ~~registered for the entire time the polls are open on election~~
19 ~~day.~~

20 ☐ ~~I am physically unable to attend the polls without the~~
21 ~~assistance of another.~~

22 ☐ ~~I cannot attend the polls because of the tenets of my~~
23 ~~religion.~~

24 ☐ ~~I have been appointed an election precinct inspector in a~~
25 ~~precinct other than the precinct where I reside.~~

~~{ } I am 60 years of age or older.~~

~~{ } I cannot attend the polls because I am confined to jail awaiting arraignment or trial.~~

(Check applicable reason)

Send absent ~~voter's~~ VOTER ballot to me at:

(Street No. or R.R.)

(Post Office) (State)

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

(Post Office) (State)

Date.....

I declare THAT the ~~foregoing~~ statements ~~to be~~ IN THIS
ABSENT VOTER BALLOT APPLICATION ARE true.

(Signature)

A person making a false statement in this declaration is

guilty of a misdemeanor."

(5) A person who makes a false statement in an ABSENT VOTER
BALLOT application ~~for an absent voter's ballot~~ is guilty of a
misdemeanor.

Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN
absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4
p.m. on election day if ~~he shall have become physically dis-~~
~~abled or shall be absent from the city or township because of~~
~~sickness or death in the family which~~ AN EVENT has occurred at a
time ~~which has~~ THAT made it impossible to apply for absent
voter ballots by the statutory deadline. The application shall
be called an emergency absent voter BALLOT application.

(2) Emergency absent voter BALLOT applications may be made
by letter or on a form provided by the clerk. The application
shall set forth that the voter is qualified to vote in the

1 election ~~, stating the statutory reason for applying for an~~
 2 ~~emergency absent voter ballot~~ and that ~~the reason for applying~~
 3 ~~after the statutory deadline~~ AN EVENT occurred at such a time to
 4 make it impossible to file an application for AN absent voter
 5 ~~ballots~~ BALLOT by the statutory deadline.

6 (3) ~~Any~~ A person intentionally making a false statement in
 7 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of
 8 a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person
 9 to make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER
 10 BALLOT application is guilty of a felony.

11 (4) Upon receipt by the clerk of a valid application for an
 12 emergency absent voter ballot, the clerk may deliver the ABSENT
 13 VOTER ballots to the applicant in person, through a deputy or an
 14 election assistant, or ~~he may deliver them~~ at his OR HER office
 15 to a person named by the applicant in the EMERGENCY ABSENT VOTER
 16 BALLOT application. The ABSENT voter ~~may~~ SHALL return the bal-
 17 lots to the clerk in the sealed envelope provided ~~therefor~~ FOR
 18 THAT REASON. THE ABSENT VOTER MAY RETURN THE ABSENT VOTER BAL-
 19 LOTS TO THE CLERK in any manner. ~~he sees fit. To~~ HOWEVER, TO
 20 be valid, THE ABSENT VOTER ballots ~~must~~ SHALL be returned to
 21 the clerk in time to be delivered to the polls ~~prior to~~ BEFORE
 22 8 p.m. on election day.

23 Sec. 769. (1) The provisions of this chapter ~~shall~~ DO
 24 not ~~be construed so as to~~ prohibit ~~any~~ AN absent voter ~~,~~
 25 ~~returning to his place of residence,~~ from voting in person
 26 within his OR HER precinct at ~~any regular or special election or~~
 27 ~~official primary~~ AN election, notwithstanding that he ~~may have~~

1 ~~made application~~ OR SHE APPLIES for an absent ~~voter's~~ VOTER
 2 ballot and the ~~same may have been~~ BALLOT IS mailed by the
 3 ~~said~~ clerk. ~~∴ Provided, That such voter has not availed him~~
 4 ~~self of~~

5 (2) SUBSECTION (1) APPLIES ONLY IF THE ELECTOR DOES NOT
 6 EXERCISE the privileges of an absent voter, as provided by this
 7 chapter ~~∴~~ and ~~voted any such~~ VOTE AN ABSENT VOTER ballot
 8 mailed ~~him~~ by the ~~said~~ clerk, and ~~provided also that he~~ IF
 9 THE ELECTOR returns ~~such~~ THE ballot or ballots ~~∴ if~~ received
 10 ~~∴~~ to the board of inspectors of election in his OR HER
 11 precinct. ~~In case any~~ IF AN absent voter ballot is so
 12 returned, ~~it shall, by said~~ THE board ~~∴ be marked "cancelled"~~
 13 ~~and placed~~ SHALL MARK IT "CANCELED" AND PLACE IT in the regular
 14 box with other ~~cancelled~~ CANCELED ballots. ~~Any voter~~
 15 (3) A PERSON voting at ~~any~~ AN election, both in person and
 16 by means of an absent voter ballot, or who ~~shall attempt~~
 17 ATTEMPTS so to vote, ~~shall, on conviction, be deemed~~ IS guilty
 18 of a felony.