



HOUSE BILL No. 4448

February 21, 1995, Introduced by Reps. Hammerstrom, Ciaramitaro, Dolan, Brackenridge, Bush, Jellema, Bullard, Berman, McBryde, Martinez, Dalman, Bodem, Goschka and Dobb and referred to the Committee on Local Government.

A bill to amend sections 758, 758c, 759, 759b, 761, 764a, 764b, 769, 931, 932, and 942 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

section 758c as added by Act No. 172 of the Public Acts of 1982, sections 759 and 932 as amended and sections 764a and 764b as added by Act No. 201 of the Public Acts of 1982, section 761 as amended by Act No. 140 of the Public Acts of 1980, and section 931 as amended by Act No. 113 of the Public Acts of 1984, being sections 168.758, 168.758c, 168.759, 168.759b, 168.761, 168.764a, 168.764b, 168.769, 168.931, 168.932, and 168.942 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Sections 758, 758c, 759, 759b, 761, 764a, 764b, 769, 931, 932, and 942 of Act No. 116 of the Public Acts of 1954,

1 section 758c as added by Act No. 172 of the Public Acts of 1982,
 2 sections 759 and 932 as amended and sections 764a and 764b as
 3 added by Act No. 201 of the Public Acts of 1982, section 761 as
 4 amended by Act No. 140 of the Public Acts of 1980, and
 5 section 931 as amended by Act No. 113 of the Public Acts of 1984,
 6 being sections 168.758, 168.758c, 168.759, 168.759b, 168.761,
 7 168.764a, 168.764b, 168.769, 168.931, 168.932, and 168.942 of the
 8 Michigan Compiled Laws, are amended to read as follows:

9 Sec. 758. ~~(1) For the purposes of~~ AS USED IN this act,
 10 "absent voter" means a qualified and registered elector. ~~:(a)~~
 11 ~~Who, on account of physical disability, cannot without another's~~
 12 ~~assistance attend the polls on the day of an election. (b) Who,~~
 13 ~~on account of the tenets of his religion, cannot attend the polls~~
 14 ~~on the day of election. (c) Who cannot attend the polls on the~~
 15 ~~day of an election in the precinct in which he resides because of~~
 16 ~~being an election precinct inspector in another precinct. (d)~~
 17 ~~Who is 60 years of age or more. (e) Who is absent or expects to~~
 18 ~~be absent from the township or city in which he or she resides~~
 19 ~~during the entire period the polls are open for voting on the day~~
 20 ~~of an election. (f) Who cannot attend the polls on election day~~
 21 ~~because of being confined in jail awaiting arraignment or trial.~~
 22 ~~(2) Subsection (1) shall not be applicable to~~ ABSENT VOTER DOES
 23 NOT INCLUDE a person who ~~has moved~~ MOVES to another state,
 24 regardless of length of residence ~~therein~~ IN THAT STATE, and
 25 who no longer maintains ~~an actual~~ A residence in ~~Michigan~~
 26 THIS STATE. The storage of personal effects or household goods,
 27 the ownership of property ~~which~~ THAT is rented or leased to

1 others, or occasional brief visits to a former Michigan domicile
 2 while residing elsewhere for most of the year ~~shall~~ DO not con-
 3 stitute a residence for voting purposes in this state, except as
 4 defined in section 1 of article ~~2~~ II of the state constitution
 5 of 1963 and statutes enacted ~~thereunder,~~ UNDER THAT SECTION and
 6 except IN THE CASE OF former residents of ~~Michigan~~ THIS STATE
 7 WHO ARE domiciled in the District of Columbia ~~,~~ or ~~to former~~
 8 ~~residents~~ who are serving in the United States army, navy, mer-
 9 chant marine, marine corps, or air force.

10 Sec. 758c. (1) A qualified and registered elector who is a
 11 resident of a community college district and whose election pre-
 12 cinct, that is within the community college district, contains
 13 less than 50 registered electors shall be considered an absent
 14 voter under this act for purposes of a special election of a com-
 15 munity college district that is not held in conjunction with any
 16 other state or local election.

17 (2) The local unit of government conducting ~~such an~~ THE
 18 SPECIAL election shall mail, by first-class mail, an absent
 19 ~~voters~~ VOTER ballot to each elector considered an absent voter
 20 under this section. This mailing shall also include the separate
 21 printed instructions prescribed by section ~~764~~ 764A. Mailings
 22 pursuant to this section shall be made not less than 20 days nor
 23 more than 30 days before the election.

24 (3) Election precincts to which this section applies ~~shall~~
 25 ARE not ~~be~~ required to be open for any community college dis-
 26 trict special election for which ballots were mailed pursuant to
 27 this section.

1 Sec. 759. (1) At any time during the 75 days ~~preceding~~
2 BEFORE a primary or special primary, but not later than 2 p.m. of
3 the Saturday immediately before the primary or special primary, a
4 voter who qualifies to vote as an absent voter, as defined in
5 section 758, may apply ~~to~~ FOR AN ABSENT VOTER BALLOT. THE
6 VOTER SHALL APPLY IN PERSON OR BY MAIL WITH THE CLERK OF the
7 township, city, or village ~~clerk, either in person or by mail,~~
8 ~~to vote absentee~~ IN WHICH THE VOTER IS REGISTERED. An applica-
9 tion received before a primary or special primary may be for
10 either that primary only, or for that primary and the election
11 ~~which~~ THAT follows.

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

20 (3) ~~An application~~ A REGISTERED ELECTOR MAY APPLY FOR AN
21 ABSENT VOTER BALLOT under this section ~~may be made~~ in any of
22 the following ways:

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

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

1 (c) On a federal postcard application.

2 (4) The clerk of the city, township, or village shall have
3 ABSENT VOTER BALLOT application forms available in the office of
4 the clerk at all times and shall furnish an ABSENT VOTER BALLOT
5 application form to anyone upon a verbal or written request. THE
6 SECRETARY OF STATE MAY PRESCRIBE THE FORM OF THE APPLICATION FOR
7 THE ABSENT VOTER BALLOT. The ABSENT VOTER BALLOT application
8 shall be in substantially the following form and shall be signed
9 by the applicant:

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

11 ☐ The primary or special primary election to be held
12 on , 19... .

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

14 (Check applicable election or elections)

15 I, , a duly qualified and registered elector of
16 the precinct of the township of or village
17 of or of the ward of the city
18 of , in the county of and state of
19 Michigan, ~~make application~~ APPLY for an official ballot, or
20 ballots, to be voted by me at the election or elections as
21 requested in this application.

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

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

26 ~~☐ I am physically unable to attend the polls without the~~
27 ~~assistance of another.~~

1 ~~{ } I cannot attend the polls because of the tenets of my~~
 2 ~~religion.~~

3 ~~{ } I have been appointed an election precinct inspector in a~~
 4 ~~precinct other than the precinct where I reside.~~

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

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

8 ~~(Check applicable reason)~~

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

10

11 (Street No. or R.R.)

12

13 (Post Office) (State)

14 My registered address.....

15 (Street No. or R.R.)

16

17 (Post Office) (State)

18 Date.....

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

21

22 (Signature)

23 A person ~~making~~ WHO MAKES a false statement in this decla-
 24 ration is guilty of a misdemeanor."

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

1 (6) A PERSON WHO SOLICITS AN ABSENT VOTER TO RETURN A
2 COMPLETED ABSENT VOTER BALLOT APPLICATION TO A PERSON OTHER THAN
3 A CITY, TOWNSHIP, OR VILLAGE CLERK IS GUILTY OF A MISDEMEANOR.

4 (7) A PERSON WHO PRINTS OR CAUSES TO BE PRINTED ON AN ABSENT
5 VOTER BALLOT APPLICATION ANY MATERIAL ADVOCATING THE NOMINATION,
6 ELECTION, OR RECALL OF A CANDIDATE OR PUBLIC OFFICIAL IS GUILTY
7 OF A MISDEMEANOR.

8 Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN
9 absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4
10 p.m. on election day if ~~he shall have~~ THE VOTER HAS become
11 physically disabled or ~~shall be~~ IS OTHERWISE UNABLE TO PHYSI-
12 CALLY VOTE IN PERSON OR WILL BE absent from the city or township
13 ~~because of sickness or death in the family which has occurred~~
14 ON ELECTION DAY AND HAS LEARNED OF THIS ABSENCE FROM THE CITY OR
15 TOWNSHIP at a time ~~which has~~ THAT made it impossible to apply
16 for absent voter ballots by the ~~statutory~~ deadline IN SECTION
17 759. The application shall be called an emergency absent voter
18 BALLOT application.

19 (2) Emergency absent voter BALLOT applications may be made
20 by letter or on a form provided by the clerk. The application
21 shall set forth that the voter is qualified to vote in the elec-
22 tion ~~, stating the statutory reason for applying for an emer-~~
23 ~~gency absent voter ballot~~ and that the ~~reason for applying~~
24 ~~after the statutory deadline~~ REASON DESCRIBED IN SUBSECTION (1)
25 occurred at such a time to make it impossible to file an applica-
26 tion for AN absent voter ~~ballots~~ BALLOT by the ~~statutory~~
27 deadline IN SECTION 759.

1 (3) ~~Any~~ A person intentionally making a false statement in
 2 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of
 3 a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person
 4 to make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER
 5 BALLOT application is guilty of a felony.

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

18 Sec. 761. (1) ~~The~~ IF THE CLERK OF A city, township, or
 19 village ~~clerk forthwith~~ RECEIVES AN APPLICATION FOR AN ABSENT
 20 VOTER BALLOT FROM A PERSON REGISTERED TO VOTE IN THAT CITY, TOWN-
 21 SHIP, OR VILLAGE AND IF THE SIGNATURE ON THE APPLICATION AGREES
 22 WITH THE SIGNATURE ON THE REGISTRATION CARD, THE CLERK
 23 IMMEDIATELY upon receipt of ~~an~~ THE application ~~for absentee~~
 24 ~~ballots,~~ or, if the application is received ~~prior to~~ BEFORE
 25 the printing of the ~~absentee~~ ABSENT VOTER ballots, as soon as
 26 the ballots are received by the clerk, shall forward by mail,
 27 postage prepaid, or shall deliver personally 1 of the ballots —

1 or set of ballots ~~, if there are~~ IS more than 1 kind of
 2 ballot to be voted ~~, to each qualified~~ THE applicant. ~~for~~
 3 ~~absent voter's ballots from his city, township or village, if the~~
 4 ~~applicant is properly registered and if the signature on the~~
 5 ~~application agrees with the signature on the registration card.~~
 6 Absent ~~voter's~~ VOTER ballots may be delivered to ~~the~~ AN
 7 applicant in person at the office of the clerk. ~~notwithstanding~~
 8 ~~the provision of~~

9 (2) NOTWITHSTANDING section 759, providing that no
 10 ~~absentee~~ ABSENT VOTER applications shall be received by the
 11 clerk after 2 p.m. on the Saturday ~~prior to~~ BEFORE the elec-
 12 tion, ~~persons~~ A PERSON qualified to vote ~~absentee~~ AS AN
 13 ABSENT VOTER may apply ~~to vote absentee~~ in person at the
 14 clerk's office ~~prior to~~ BEFORE 4 p.m. on a day preceding the
 15 election except SATURDAY, Sunday, or A legal holiday TO VOTE AS
 16 AN ABSENT VOTER. ~~Such applicants, if qualified,~~ THE APPLICANT
 17 shall receive ~~their ballots~~ HIS OR HER ABSENT VOTER BALLOT and
 18 vote the ~~same~~ BALLOT in the clerk's office. All other absent
 19 ~~voter's~~ VOTER ballots, ~~excepting~~ EXCEPT BALLOTS DELIVERED
 20 PURSUANT TO AN emergency ~~absentee~~ ABSENT VOTER ballot
 21 ~~applications~~ APPLICATION, shall be mailed or delivered to the
 22 registration address of the applicant unless the application
 23 requests delivery to an address outside the city, VILLAGE, or
 24 township or to a hospital or similar institution, in which case
 25 the ABSENT VOTER ballots shall be mailed or delivered to the
 26 address given in the application. HOWEVER, A CLERK MAY MAIL OR
 27 DELIVER AN ABSENT VOTER BALLOT, UPON REQUEST OF THE ABSENT VOTER,

1 TO A POST OFFICE BOX IF THE POST OFFICE BOX IS WHERE THE ABSENT
 2 VOTER NORMALLY RECEIVES PERSONAL MAIL AND THE ABSENT VOTER DOES
 3 NOT RECEIVE MAIL AT HIS OR HER REGISTRATION ADDRESS.

4 (3) Absent ~~voters~~ VOTER ballots shall be issued in the
 5 same order in which applications are received by the clerk of
 6 ~~any~~ A city, township, or village, as nearly as may be, and each
 7 ballot ~~so furnished~~ ISSUED shall bear the lowest number of each
 8 kind available for this purpose. HOWEVER, THIS PROVISION DOES
 9 NOT PROHIBIT A CLERK FROM ISSUING AN ABSENT VOTER BALLOT TO AN
 10 ABSENT VOTER WHO APPLIES IN PERSON IN THE CLERK'S OFFICE FOR
 11 ABSENT VOTER BALLOTS. The clerk shall enclose with ~~such~~ THE
 12 ballot or ballots a return envelope properly addressed to
 13 ~~himself~~ THE CLERK and bearing upon the back ~~thereof~~ OF THE
 14 ENVELOPE a printed statement in substantially the following
 15 form:

16 TO BE COMPLETED
 17 BY THE CLERK

18 _____
 19 Name of Voter Street Address or R.R.
 20 _____
 21 City, Township, or Village County
 22 Ward _____ Precinct _____ Date of Election _____

23 =====
 24 TO BE COMPLETED BY THE ABSENT VOTER
 25

26 ~~The undersigned asserts~~ I ASSERT that ~~he is~~ I AM a
 27 legally registered and qualified elector of the ~~Municipality~~
 28 CITY, TOWNSHIP, OR VILLAGE indicated above, that ~~he is~~ I AM
 29 voting ~~absentee~~ AS AN ABSENT VOTER in conformity with statutory
 30 ~~restatements~~ REQUIREMENTS for so voting and that, unless

1 indicated to the contrary below, the ballots were marked by ~~him~~
 2 ME personally and enclosed in this envelope without being exhib-
 3 ited to any other person.

4 I FURTHER ASSERT THAT THIS ABSENT VOTER BALLOT IS BEING
 5 RETURNED TO THE CLERK OR ASSISTANT CLERK BY ME PERSONALLY, BY
 6 PUBLIC OR PRIVATE MAIL DELIVERY SERVICE, OR BY A MEMBER OF MY
 7 IMMEDIATE FAMILY OR A PERSON RESIDING IN MY HOUSEHOLD.

8 X
 9 Signature of ~~Absentee~~ ABSENT Voter

10 The above form must be signed or your vote will not be counted.

11 AN ABSENT VOTER WHO MAKES A FALSE STATEMENT IS GUILTY OF A
 12 MISDEMEANOR.

13 =====
 14 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
 15 BY ANOTHER PERSON

16 ~~Assisted~~ I ASSISTED the above named disabled voter in
 17 marking his OR HER ballots ~~in accordance with~~ PURSUANT TO his
 18 OR HER directions. The ballots were inserted in the return
 19 envelope without being exhibited to any other person.

20 _____
 21 Signature of Person Street Address or R.R. City, Twp., or Village
 22 Assisting Voter

23 A PERSON ASSISTING AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE
 24 STATEMENT IS GUILTY OF A FELONY.

25 =====

26 WARNING

27 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
 28 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER
 29 RECEIVING THE BALLOT, PERSONS WHO ARE MEMBERS OF THE ABSENT
 30 VOTER'S IMMEDIATE FAMILY OR WHO RESIDE IN THE ABSENT VOTER'S

1 HOUSEHOLD AND WHO HAVE BEEN ASKED BY THE ABSENT VOTER TO RETURN
2 THE BALLOT, EMPLOYEES OF A PUBLIC OR PRIVATE MAIL DELIVERY
3 SERVICE, AND AUTHORIZED ELECTION OFFICIALS AND ASSISTANTS. ANY
4 OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF
5 A FELONY.

6 Sec. 764a. The following instructions for an absent voter,
7 as defined by section 758, shall be included with each ballot or
8 set of ballots furnished an absent voter: —

9 INSTRUCTIONS FOR ABSENT VOTERS

10 Step 1. On the absent voter ballot enclosed you will find
11 voting instructions. Read these carefully and then vote the
12 ballot.

13 Step 2. After voting a ballot, prepare it for placing in
14 the return envelope addressed to the clerk in the manner directed
15 in the voting instructions.

16 Step 3. Place the ballot or ballots in the return envelope
17 and securely seal the envelope.

18 Step 4. Sign AND DATE the return envelope in the place
19 designated. Your signature must appear on the return envelope or
20 the ballot will not be counted. IF YOU REQUIRED ASSISTANCE IN
21 VOTING YOUR ABSENT VOTER BALLOT, HAVE THE PERSON WHO ASSISTED YOU
22 COMPLETE THE SECTION ON THE RETURN ENVELOPE ENTITLED "TO BE
23 COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON".

24 Step 5. Deliver the return envelope by 1 of the following
25 methods:

1 (a) Place the necessary postage upon the return envelope and
2 deposit it in the United States mail OR PAY THE APPROPRIATE FEE
3 AND DEPOSIT IT WITH ANY PUBLIC OR PRIVATE MAIL DELIVERY SERVICE.

4 (b) Deliver the envelope personally to the office of the
5 clerk, to the clerk, or to an authorized assistant of the clerk.

6 (c) In either (a) or (b), a member of the immediate family
7 of the voter including a father-in-law, mother-in-law,
8 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
9 grandparent, or grandchild or a person residing in the voter's
10 household may mail or deliver a ballot TO THE CLERK for the
11 voter.

12 ~~(d) In the event a voter cannot return the ballot in any of~~
13 ~~the above methods, the voter may select any registered elector to~~
14 ~~return the ballot. The person returning the ballot must sign and~~
15 ~~return the following certificate to the clerk at the time of~~
16 ~~delivery of the ballot:~~

17 ~~I certify that my name is and my~~
18 ~~address is; that I am delivering the~~
19 ~~ballot of at his/her request; that I did~~
20 ~~not solicit or request to return the ballot; that I have not~~
21 ~~opened the envelope containing the ballot; have not made any~~
22 ~~markings on the ballot; have not altered the ballot in any way;~~
23 ~~have not substituted another ballot given to me for delivery;~~
24 ~~have not influenced the voter in the voting of the ballot and am~~
25 ~~aware that a false statement in this certificate is a violation~~
26 ~~of the Michigan election law.~~

1 (D) IF YOU ARE UNABLE TO RETURN YOUR ABSENT VOTER BALLOT BY
2 MAIL, IN PERSON, OR WITH THE ASSISTANCE OF AN IMMEDIATE FAMILY
3 MEMBER OR A PERSON RESIDING IN YOUR HOUSEHOLD, YOU MAY REQUEST BY
4 TELEPHONE THAT THE CLERK WHO ISSUED THE BALLOT PROVIDE ASSISTANCE
5 IN RETURNING THE BALLOT. YOUR ABSENT VOTER BALLOT WILL THEN BE
6 PICKED UP BY THE CLERK OR AN ELECTION ASSISTANT SENT BY THE
7 CLERK. ALL PERSONS AUTHORIZED TO PICK UP ABSENT VOTER BALLOTS
8 ARE REQUIRED TO CARRY CREDENTIALS ISSUED BY THE CLERK. IF USING
9 THIS ABSENT VOTER BALLOT RETURN METHOD, DO NOT GIVE YOUR BALLOT
10 TO ANYONE UNTIL YOU HAVE CHECKED HIS OR HER CREDENTIALS.

11 Step 6. The ballot must reach the clerk or an authorized
12 assistant of the clerk before the close of the polls on election
13 day. AN ABSENT VOTER BALLOT RECEIVED BY THE CLERK OR ASSISTANT
14 OF THE CLERK AFTER THE CLOSE OF THE POLLS ON ELECTION DAY WILL
15 NOT BE COUNTED.

16 WARNING

17 ~~It is a violation of Michigan election law to vote an~~
18 ~~absent voter ballot at a meeting or gathering at which other~~
19 ~~people are voting absent voter ballots. It is a violation of~~
20 ~~Michigan election law for a person other than those listed in~~
21 ~~these instructions to return, offer to return, agree to return,~~
22 ~~or solicit to return your ballot to the clerk. An authorized~~
23 ~~assistant of the clerk who receives ballots at a location other~~
24 ~~than the office of the clerk must have credentials signed by the~~
25 ~~clerk. Ask to see the credentials before entrusting your ballot~~
26 ~~with a person claiming to be authorized to return your ballot to~~
27 ~~the clerk.~~

1 ALL OF THE FOLLOWING ACTIONS ARE VIOLATIONS OF THE MICHIGAN
2 ELECTION LAW AND ARE ILLEGAL IN THIS STATE:

3 (1) TO VOTE AN ABSENT VOTER BALLOT AT A MEETING OR GATHERING
4 AT WHICH OTHER PEOPLE ARE VOTING ABSENT VOTER BALLOTS.

5 (2) FOR A PERSON ASSISTING AN ABSENT VOTER IN MARKING THE
6 BALLOT TO SUGGEST OR IN ANY MANNER ATTEMPT TO INFLUENCE THE
7 ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE.

8 (3) FOR A PERSON WHO IS PRESENT AND KNOWS THAT A PERSON IS
9 VOTING AN ABSENT VOTER BALLOT TO SUGGEST OR IN ANY MANNER ATTEMPT
10 TO INFLUENCE THE ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE.

11 (4) FOR A PERSON OTHER THAN THOSE LISTED IN THESE INSTRUCTIONS
12 TIONS TO RETURN, OFFER TO RETURN, AGREE TO RETURN, OR SOLICIT TO
13 RETURN AN ABSENT VOTER BALLOT TO THE CLERK.

14 (5) FOR A PERSON OTHER THAN THE ABSENT VOTER, THE PERSONS
15 LISTED IN THESE INSTRUCTIONS, AND EMPLOYEES OF A PUBLIC OR PRI-
16 VATE MAIL DELIVERY SERVICE TO BE IN POSSESSION OF A VOTED OR
17 UNVOTED ABSENT VOTER BALLOT.

18 Sec. 764b. (1) An absent ~~voter's ballots~~ VOTER BALLOT
19 shall be delivered to the clerk only as authorized in the
20 instructions for an absent voter provided in section 764a.

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

24 (3) The clerk of a city, township, or village may appoint
25 the number of assistants necessary to accept delivery of absent
26 voter ballots at any location in the city, township, or village.
27 An appointment as assistant to accept delivery of absent voter

1 ballots shall be for 1 election only. An assistant ~~so~~
2 appointed to receive ballots at a location other than the office
3 of the clerk shall be furnished credentials of authority by the
4 clerk. If an absent voter's ballot is received by an assistant
5 at any location other than the clerk's office the ~~credentials~~
6 ~~shall~~ ASSISTANT, upon request, ~~be exhibited by the assistant~~
7 SHALL EXHIBIT THE CREDENTIALS to the absent voter before the
8 assistant accepts an absent voter ballot. An assistant, before
9 entering upon the discharge of duties, shall take and subscribe
10 to the oath of office as provided in section 1 of article ~~++~~ XI
11 of the state constitution of 1963. An assistant shall perform
12 only the duties assigned by the clerk. A person shall not be
13 appointed as an assistant to accept delivery of absent voter bal-
14 lots who is a candidate, or a member of the immediate family of a
15 candidate, appearing on the ballot at that election.

16 (4) A CLERK WHO RECEIVES A REQUEST FROM AN ABSENT VOTER
17 UNDER SECTION 764A FOR ASSISTANCE IN RETURNING HIS OR HER ABSENT
18 VOTER BALLOT SHALL MAKE ARRANGEMENTS TO COLLECT THE BALLOT FROM
19 THE VOTER EITHER PERSONALLY OR BY SENDING AN AUTHORIZED
20 ASSISTANT. THE CLERK SHALL MAINTAIN A LIST OPEN TO THE PUBLIC
21 THAT CONTAINS THE NAMES AND ADDRESSES OF ALL AUTHORIZED ASSIST-
22 ANTS APPOINTED UNDER THIS SECTION WHO ARE AVAILABLE TO COLLECT
23 ABSENT VOTER BALLOTS ON OR BEFORE ELECTION DAY IN THAT CITY OR
24 TOWNSHIP.

25 (5) ~~(4)~~ An absent voter ballot received by the clerk
26 before the close of the polls on election day shall not be
27 invalidated solely because the delivery to the clerk was not in

1 compliance with section 764a or this section, however the ballot
2 shall be ~~deemed to be~~ CONSIDERED challenged and shall be marked
3 and processed as provided in section 745.

4 Sec. 769. (1) The provisions of this chapter ~~shall~~ DO not
5 ~~be construed so as to~~ prohibit ~~any~~ AN absent voter ~~, return~~
6 ~~ing to his place of residence,~~ from voting in person within his
7 OR HER precinct at ~~any regular or special election or official~~
8 ~~primary~~ AN election, notwithstanding that he ~~may have made~~
9 ~~application~~ OR SHE APPLIES for an absent ~~voter's~~ VOTER ballot
10 and the ~~same may have been~~ BALLOT IS mailed by the ~~said~~
11 clerk. ~~-. Provided, That such voter has not availed himself of~~

12 (2) SUBSECTION (1) APPLIES ONLY IF THE ELECTOR DOES NOT
13 EXERCISE the privileges of an absent voter, as provided by this
14 chapter ~~,~~ and ~~voted any such~~ VOTE AN ABSENT VOTER ballot
15 mailed ~~him~~ by the ~~said~~ clerk, and ~~provided also that he~~ IF
16 THE ELECTOR returns ~~such~~ THE ballot or ballots ~~, if~~ received
17 ~~,~~ to the board of inspectors of election in his OR HER
18 precinct. ~~In case any~~ IF AN absent voter ballot is ~~so~~
19 returned, ~~it shall, by said~~ THE board ~~, be marked "cancelled"~~
20 ~~and placed~~ SHALL MARK IT "CANCELED" AND PLACE IT in the regular
21 box with other ~~cancelled~~ CANCELED ballots. ~~Any voter voting~~

22 (3) A PERSON WHO VOTES at ~~any~~ AN election ~~,~~ both in
23 person and by means of an absent voter ballot ~~,~~ or A PERSON who
24 ~~shall attempt so~~ ATTEMPTS to vote ~~, shall, on conviction, be~~
25 ~~deemed~~ BOTH IN PERSON AND BY MEANS OF AN ABSENT VOTER BALLOT IS
26 guilty of a felony.

1 (4) AN ELECTION OFFICIAL WHO BECOMES AWARE OF A PERSON WHO
2 VOTES OR ATTEMPTS TO VOTE BOTH IN PERSON AND BY MEANS OF AN
3 ABSENT VOTER BALLOT SHALL REPORT THAT INFORMATION TO THE PROSE-
4 CUTING ATTORNEY FOR THAT COUNTY AND TO THE SECRETARY OF STATE.

5 Sec. 931. (1) A person who violates ~~any~~ 1 OR MORE of the
6 following subdivisions is guilty of a misdemeanor:

7 (a) A person shall not, either directly or indirectly, give,
8 lend, or promise ~~any money or~~ valuable consideration, to or for
9 any person, as an inducement to influence the manner of voting by
10 a person relative to a candidate or ~~proposition~~ BALLOT
11 QUESTION, or as a reward for refraining from voting. ~~As used in~~
12 ~~this section, "valuable consideration" includes any money, gift,~~
13 ~~prize or chance for a prize, fee, loan, office, position,~~
14 ~~appointment, or employment.~~

15 (b) A person shall not, either before, on, or after ~~any~~ AN
16 election, for the person's own benefit or on behalf of any other
17 person, receive, agree, or contract for ~~any~~ valuable considera-
18 tion for ~~any~~ 1 OR MORE of the following:

19 (i) Voting or agreeing to vote, or inducing or attempting to
20 induce another to vote, at an ~~election or primary~~ election.

21 (ii) Refraining or agreeing to refrain, or inducing or
22 attempting to induce another to refrain, from voting at an
23 ~~election or primary~~ election.

24 (iii) Doing anything prohibited by this act.

25 (iv) Doing, agreeing to do, or having done any campaign
26 work, electioneering, or soliciting of votes for a question or a
27 candidate on or before an election or primary election day.

1 (c) A person shall not solicit from a candidate for
2 nomination for, or election to, ~~any~~ AN office described in this
3 act ~~, any money or other property~~ ANY VALUABLE CONSIDERATION.
4 This subdivision ~~shall~~ DOES not apply to requests for contribu-
5 tions of money by or to an authorized representative of the
6 political party committee of the organization to which the candi-
7 date belongs. This subdivision ~~shall~~ DOES not apply to ~~any~~ A
8 regular business transaction between a candidate and any other
9 person ~~which~~ THAT is not intended for, or connected with, the
10 securing of votes or the influencing of voters in connection with
11 the nomination or election.

12 (d) A person shall not, either directly or indirectly, dis-
13 charge or threaten to discharge an employee of the person for the
14 purpose of influencing the employee's vote ~~for~~ AT an ~~election~~
15 ~~or primary~~ election.

16 (e) A priest, pastor, curate, or other officer of a reli-
17 gious society shall not for the purpose of influencing a voter at
18 an ~~election or primary~~ election, impose or threaten to impose
19 upon ~~a person~~ THE VOTER a penalty of excommunication, dis-
20 missal, or expulsion, or command or advise ~~a person~~ THE VOTER,
21 under pain of religious disapproval.

22 (f) A person shall not, at an ~~election or primary~~ elec-
23 tion, falsely impersonate another person, or vote or attempt to
24 vote under the name of another person, or induce or attempt to
25 induce a person to impersonate another person, or to vote or
26 attempt to vote under the name of another person.

1 (g) A person shall not assume a false or fictitious name in
2 order to vote or to offer to vote by that name; enter or cause to
3 be entered upon the registration book in a voting precinct a
4 false or fictitious name; or induce or attempt to induce another
5 person to assume a false or fictitious name in order to vote, or
6 offer to vote, by that name, or enter or cause to be entered upon
7 the registration book of ~~any~~ A voting precinct, a false or fic-
8 titious name.

9 (h) A person who is not a qualified and registered elector
10 shall not ~~wilfully~~ WILLFULLY offer to vote or attempt to vote
11 at ~~a primary election or~~ AN election ~~sanctioned by the laws~~
12 ~~of~~ HELD IN this state. A person shall not aid or counsel a
13 person who is not a qualified elector to vote or offer to vote at
14 the place where the vote is given during an ~~election or primary~~
15 election.

16 (i) A qualified and registered elector shall not offer to
17 vote or attempt to vote in a voting precinct in which the elector
18 does not reside, except as otherwise provided in this act. A
19 person shall not procure, aid, or counsel another person to go or
20 come into a township, ward, or voting precinct for the purpose of
21 voting at an ~~election or primary~~ election, knowing that the
22 person is not qualified to vote in that township, ward, or voting
23 precinct.

24 (j) A person shall not offer to vote or attempt to vote more
25 than once at the same election either in the same or in another
26 voting precinct. ~~, nor shall a person~~ A PERSON SHALL NOT give
27 2 or more votes folded together.

1 (k) A person shall not hire a motor vehicle or other
 2 conveyance or cause the ~~same to be done~~ HIRING OF A MOTOR VEHI-
 3 CLE OR OTHER CONVEYANCE, for ~~conveying~~ TRANSPORTING voters,
 4 other than voters physically unable to walk, to an ~~election or~~
 5 ~~primary~~ election.

6 (l) In a city, ~~having an~~ TOWNSHIP, VILLAGE, OR SCHOOL DIS-
 7 TRICT THAT HAS A BOARD OF election ~~commission~~ COMMISSIONERS
 8 authorized to appoint inspectors of election, ~~failure of~~ an
 9 inspector OF ELECTION, A clerk, or ~~election or primary~~ OTHER
 10 election official ~~, accepting~~ WHO ACCEPTS an appointment as an
 11 inspector of election ~~, SHALL NOT FAIL~~ to report at the polling
 12 place designated on ~~election or primary~~ election morning at the
 13 time specified BY THE BOARD OF ELECTION COMMISSIONERS, unless
 14 excused ~~, is~~ AS PROVIDED IN THIS SUBDIVISION. A PERSON WHO
 15 VIOLATES THIS SUBDIVISION IS GUILTY OF a misdemeanor, punishable
 16 by a fine of not more than \$10.00 ~~, or~~ imprisonment for not
 17 more than 10 days, or both. ~~If an~~ AN inspector OF ELECTION,
 18 clerk, or ~~election or primary~~ OTHER election official WHO
 19 ACCEPTS AN APPOINTMENT AS AN INSPECTOR OF ELECTION IS EXCUSED FOR
 20 FAILING TO REPORT AT THE POLLING PLACE ON ELECTION DAY AND IS NOT
 21 SUBJECT TO A FINE OR IMPRISONMENT UNDER THIS SUBDIVISION IF 1 OR
 22 MORE OF THE FOLLOWING REQUIREMENTS ARE MET:

23 (i) THE INSPECTOR OF ELECTION, CLERK, OR OTHER ELECTION
 24 OFFICIAL notifies the ~~election or primary~~ BOARD OF election
 25 ~~commission~~ COMMISSIONERS or other officers in charge of
 26 ~~elections or primary~~ elections of ~~the inspector's, clerk's, or~~
 27 ~~election or primary election official's~~ HIS OR HER inability to

1 serve at the time and place specified, ~~at least~~ 3 days OR MORE
2 before the election. ~~or primary election, or~~

3 (ii) THE INSPECTOR OF ELECTION, CLERK, OR OTHER ELECTION
4 OFFICIAL is excused from duty by the ~~election or primary~~ BOARD
5 OF election ~~commission, board,~~ COMMISSIONERS or OTHER officers
6 in charge of ~~elections or primary~~ elections for cause shown. ~~7~~
7 ~~then the inspector, clerk, or election or primary election offi-~~
8 ~~cial shall not be liable for a fine or imprisonment.~~

9 (m) A person shall not ~~wilfully~~ WILLFULLY fail to perform
10 a duty imposed upon that person by this act, or disobey a lawful
11 instruction or order of the secretary of state as chief state
12 election officer or of a board of county election commissioners,
13 board of city election commissioners, or board of inspectors of
14 election.

15 (n) A delegate or member of a convention shall not solicit a
16 candidate for nomination before the convention for money, reward,
17 position, place, ~~or~~ preferment, OR OTHER VALUABLE CONSIDERATION
18 in return for support by the delegate or member in the
19 convention. A candidate or other person shall not promise or
20 give to a delegate money, reward, position, place, ~~or~~
21 preferment, OR OTHER VALUABLE CONSIDERATION in return for support
22 by or vote of the delegate in the convention.

23 (o) A person elected ~~a~~ TO THE OFFICE OF delegate to a con-
24 vention shall not accept or receive any money or OTHER valuable
25 ~~thing as a~~ consideration for his or her vote as a delegate.

26 (p) A person shall not, while the polls are open ~~, at a~~
27 ~~polling place~~ on ~~a primary or~~ AN election day, solicit votes

1 in ~~the~~ A polling place or within 100 feet from ~~any~~ AN
2 entrance to the building in which ~~the~~ A polling place is
3 located.

4 (q) A person shall not keep a room or building for the pur-
5 pose, in whole or in part, of recording or registering bets or
6 wagers, or of selling pools upon the result of a political nomi-
7 nation, appointment, or election. A person shall not wager ~~any~~
8 property, money, or thing of value, or be the custodian of ~~any~~
9 money, property, or thing of value, staked, wagered, or pledged
10 upon the result of a political nomination, appointment, or
11 election.

12 (r) A person shall not ~~plan, organize or~~ participate in a
13 meeting or a portion of a meeting of more than 2 persons, other
14 than the person's immediate family, at which an absent voter
15 ballot is voted.

16 ~~(s) Except as authorized pursuant to section 764b, a person~~
17 ~~shall neither return, solicit to return, or agree to return an~~
18 ~~absent voter ballot to the clerk of a city, township, or village,~~
19 ~~nor have possession of an absent voter ballot mailed or delivered~~
20 ~~to another person, regardless of whether the ballot has been~~
21 ~~voted.~~

22 ~~(t) A person shall not make a false statement in the certif-~~
23 ~~icate provided in section 764a.~~

24 (2) A person who violates a provision of this act for which
25 a penalty is not otherwise specifically provided in this act, is
26 guilty of a misdemeanor.

1 (3) A person or a person's agent who knowingly makes,
2 publishes, disseminates, circulates, or places before the public,
3 or knowingly causes directly or indirectly to be made, published,
4 disseminated, circulated, or placed before the public, in this
5 state, either orally or in writing, an assertion, representation,
6 or statement of fact concerning a candidate for public office at
7 ~~a primary or general~~ AN election in this state, ~~which~~ THAT is
8 false, deceptive, scurrilous, or malicious, without the true name
9 of the author being subscribed to the assertion, representation,
10 or statement if written, or announced if unwritten, is guilty of
11 a misdemeanor.

12 (4) AS USED IN THIS SECTION, "VALUABLE CONSIDERATION"
13 INCLUDES, BUT IS NOT LIMITED TO, MONEY, PROPERTY, A GIFT, A PRIZE
14 OR CHANCE FOR A PRIZE, A FEE, A LOAN, AN OFFICE, A POSITION, AN
15 APPOINTMENT, OR EMPLOYMENT.

16 Sec. 932. A person who violates ~~any~~ 1 OR MORE of the fol-
17 lowing subdivisions is guilty of a felony:

18 (a) A person shall not attempt, by means of bribery, menace,
19 or other corrupt means or device, either directly or indirectly,
20 to influence an elector in giving his or her vote, or to deter
21 the elector from, or interrupt the elector in giving his or her
22 vote at any ~~election or primary~~ election held ~~pursuant to law~~
23 IN THIS STATE.

24 (b) A person not duly authorized by law shall not, during
25 the progress of any ~~election or primary~~ election or after the
26 closing of the polls and before the final results of the election
27 have been ascertained, break open or violate the seals or locks

1 of any ballot box or voting machine used or in use at that
2 election. ~~nor~~ A PERSON shall ~~a person wilfully~~ NOT
3 WILLFULLY damage or destroy any ballot box or voting machine. ~~nor~~
4 A PERSON shall ~~a person~~ NOT obtain undue possession of
5 that ballot box or voting machine. ~~nor~~ A PERSON shall ~~a~~
6 ~~person~~ NOT conceal, withhold, or destroy a ballot box or voting
7 machine, or fraudulently or forcibly add to or diminish the
8 number of ballots legally deposited in the box or the totals on
9 the voting machine. ~~nor~~ A PERSON shall ~~a person~~ NOT aid or
10 abet in any act prohibited by this subdivision.

11 (c) An inspector of election, clerk, or other officer or
12 person having custody of any record, election list of voters,
13 affidavit, return, statement of votes, certificates, poll book,
14 or of any paper, document, or vote of any description, which pur-
15 suant to this act is directed to be made, filed, or preserved,
16 shall not ~~wilfully~~ WILLFULLY destroy, mutilate, deface, falsi-
17 fy, or fraudulently remove or secrete any or all of those items,
18 in whole or in part, or fraudulently make any entry, erasure, or
19 alteration on any or all of those items, or permit any other
20 person to do so.

21 (d) A person shall neither disclose to any other person the
22 name of any candidate voted for by any elector, the contents of
23 whose ballots were seen by the person, nor in any manner obstruct
24 or attempt to obstruct any elector in the exercise of his or her
25 duties as an elector under this act.

26 (e) A person who is not involved in the counting of ballots
27 as provided by law and who has possession of an absent voter

1 ballot mailed or delivered to another person shall not do any of
2 the following:

3 (i) Open the envelope containing the ballot.

4 (ii) Make any marking on the ballot.

5 (iii) Alter the ballot in any way.

6 (iv) Substitute another ballot for the absent voter ballot
7 which the person possesses.

8 (F) A PERSON OTHER THAN AN ABSENT VOTER, EMPLOYEE OF A
9 PUBLIC OR PRIVATE MAIL DELIVERY SERVICE, CLERK OR ASSISTANT OF
10 THE CLERK, A MEMBER OF THE IMMEDIATE FAMILY OF THE ABSENT VOTER
11 INCLUDING A FATHER-IN-LAW, MOTHER-IN-LAW, BROTHER-IN-LAW,
12 SISTER-IN-LAW, SON-IN-LAW, DAUGHTER-IN-LAW, GRANDPARENT, OR
13 GRANDCHILD, OR A PERSON RESIDING IN THE ABSENT VOTER'S HOUSEHOLD
14 SHALL NOT DO ANY OF THE FOLLOWING:

15 (i) POSSESS AN ABSENT VOTER BALLOT MAILED OR DELIVERED TO
16 ANOTHER PERSON, REGARDLESS OF WHETHER THE BALLOT HAS BEEN VOTED.

17 (ii) RETURN, SOLICIT TO RETURN, OR AGREE TO RETURN AN ABSENT
18 VOTER BALLOT TO THE CLERK OF A CITY, TOWNSHIP, VILLAGE, OR SCHOOL
19 DISTRICT.

20 (G) A PERSON ASSISTING AN ABSENT VOTER SHALL ONLY RENDER HIS
21 OR HER ASSISTANCE BY SHOWING THE ABSENT VOTER HOW TO VOTE THE
22 BALLOT AS THE ABSENT VOTER DESIRES OR THE PERSON ASSISTING THE
23 ABSENT VOTER SHALL MARK THE BALLOT AS DIRECTED BY THE ABSENT
24 VOTER. A PERSON ASSISTING THE ABSENT VOTER SHALL NOT SUGGEST OR
25 IN ANY MANNER ATTEMPT TO INFLUENCE THE VOTER ON HOW HE OR SHE
26 SHOULD VOTE OR ALLOW ANY OTHER PERSON TO DO SO.

1 (H) A PERSON PRESENT WHILE AN ABSENT VOTER IS VOTING AN
2 ABSENT VOTER BALLOT SHALL NOT SUGGEST OR IN ANY MANNER ATTEMPT TO
3 INFLUENCE THE ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE.

4 (I) A PERSON SHALL NOT PLAN OR ORGANIZE A MEETING AT WHICH
5 ABSENT VOTER BALLOTS ARE TO BE VOTED.

6 Sec. 942. ~~No prosecution for any~~ AN offense ~~mentioned~~
7 ~~in~~ UNDER this act other than fraudulent registration shall NOT
8 be ~~maintained~~ PROSECUTED unless ~~it shall be~~ THE PROSECUTION
9 IS commenced within ~~1 year~~ 2 YEARS after the date of the regis-
10 tration, primary, or election in connection with which the
11 offense is alleged to have been committed. ~~No prosecution for~~
12 ~~fraudulent~~ FRAUDULENT registration UNDER THIS ACT shall NOT be
13 ~~maintained~~ PROSECUTED unless ~~it shall be~~ THE PROSECUTION IS
14 commenced within ~~2~~ 3 years after the time the offense is
15 alleged to have been committed. ~~Neither the~~ THE complaining
16 witness ~~nor~~ OR any other person who ~~may be~~ IS called to tes-
17 tify in behalf of the people in ~~any such~~ A proceeding UNDER
18 THIS SECTION shall NOT be liable to criminal prosecution under
19 this act for ~~any~~ AN offense in respect to which he ~~shall be~~
20 OR SHE IS examined or to which his OR HER testimony ~~shall~~
21 ~~relate~~ RELATES, except to prosecution for perjury committed in
22 ~~such~~ THE testimony.

23 Section 2. Section 764 of Act No. 116 of the Public Acts of
24 1954, being section 168.764 of the Michigan Compiled Laws, is
25 repealed.