

HOUSE BILL No. 4554

April 17, 2001, Introduced by Reps. Sheltroun, Gielegem, Lipsey, Neumann, Adamini, Rich Brown, Anderson, Kolb, Minore, Whitmer, Rivet, Clark, Shackleton, Spade, Switalski, Garza and Bogardus and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509t and 761 (MCL 168.509t and 168.761), section 509t as amended by 1998 PA 21 and section 761 as amended by 1996 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509t. (1) Notwithstanding ~~any other~~ ANOTHER provi-
2 sion of law to the contrary, a person who is a qualified elector
3 in this state and who registers to vote in a manner consistent
4 with the national voter registration act of 1993 — is consid-
5 ered a registered voter under this act.

6 (2) A person who registers to vote in a jurisdiction in this
7 state by mail shall vote in person if that person has not
8 previously voted in person in that jurisdiction. This subsection
9 does not apply to any of the following registered voters:

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1 (a) A person entitled to vote by absentee ballot under the
2 uniformed and overseas citizens absentee voting act, Public Law
3 99-410, 100 Stat. 924.

4 (b) A person ~~who has~~ WITH a disability as defined in sec-
5 tion 103 of the persons with disabilities civil rights act, 1976
6 PA 220, MCL 37.1103. ~~, or~~

7 (C) A PERSON who is 60 years of age or older.

8 (D) ~~(c)~~ A person who is entitled to vote other than in
9 person under any other federal law.

10 (E) IF THE PERSON SIGNS AND HAS NOTARIZED THE NOTARY FORM AS
11 PROVIDED IN SECTION 761, A PERSON WHO IS ENTITLED TO VOTE AS AN
12 ABSENT VOTER UNDER SECTION 758.

13 (3) This section does not preclude this state from prosecut-
14 ing a violation of this act that is also a violation of ~~any~~ A
15 federal election or voting rights law.

16 Sec. 761. (1) If the clerk of a city, township, or village
17 receives an application for an absent voter ballot from a person
18 registered to vote in that city, township, or village and if the
19 signature on the application agrees with the signature on the
20 registration card, the clerk immediately upon receipt of the
21 application or, if the application is received before the print-
22 ing of the absent voter ballots, as soon as the ballots are
23 received by the clerk, shall forward by mail ~~, postage prepaid,~~
24 ~~or shall~~ OR deliver personally ~~1 of the ballots or set of bal-~~
25 ~~lots if there is more than 1 kind of ballot to be voted~~ AN

26 ABSENT VOTER BALLOT to the applicant. ~~Absent voter ballots~~ [SUBJECT
TO SUBSECTION (6),] AN

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1 ABSENT VOTER BALLOT may be delivered to an applicant in person at
2 the office of the clerk.

3 (2) Notwithstanding section 759, providing that ~~no~~ THE
4 CLERK SHALL NOT ACCEPT absent voter applications ~~shall be~~
5 ~~received by the clerk~~ after 2 p.m. on the Saturday before the
6 election, a person qualified to vote as an absent voter may apply
7 in person at the clerk's office before 4 p.m. on a day
8 ~~preceding~~ BEFORE the election, except Sunday or a legal
9 holiday, to vote as an absent voter. [The SUBJECT TO SUBSECTION (6),
THE] applicant shall receive
10 his or her absent voter ballot and vote the ballot in the clerk's
11 office. All other absent voter ballots, except ballots delivered
12 ~~pursuant to~~ IN ACCORDANCE WITH an emergency absent voter ballot
13 application under section 759b, shall be mailed or delivered to
14 the registration address of the applicant unless the application
15 requests delivery to an address outside the city, village, or
16 township or to a hospital or similar institution. ~~, in which~~
17 ~~case~~ IF THE APPLICATION REQUESTS DELIVERY TO AN ADDRESS OUTSIDE
18 THE CITY, VILLAGE, OR TOWNSHIP OR TO A HOSPITAL OR A SIMILAR
19 INSTITUTION, the absent voter ~~ballots~~ BALLOT shall be mailed or
20 delivered to the address given in the application. ~~However, a~~
21 A clerk may mail or deliver an absent voter ballot, upon request
22 of the absent voter, to a post office box if the post office box
23 is where the absent voter normally receives personal mail and the
24 absent voter does not receive mail at his or her registration
25 address.

26 (3) Absent voter ballots shall be issued in the same order,
27 INSOFAR AS IS POSSIBLE, in which applications are received by the

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1 clerk of a city, township, or village. ~~, as nearly as may be,~~
2 ~~and each~~ EACH ballot issued shall bear the lowest number ~~of~~
3 ~~each kind~~ available. ~~for this purpose.~~ However, this provision
4 ~~does not prohibit a~~ A clerk ~~from~~ MAY immediately ~~issuing~~
5 ISSUE an absent voter ballot to an absent voter who applies in
6 person in the clerk's office for AN absent voter ~~ballots~~
7 BALLOT. The clerk shall enclose with the ABSENT VOTER ballot ~~or~~
8 ~~ballots~~ a return envelope properly addressed to the clerk and
9 bearing upon the back of the envelope a printed statement in sub-
10 stantially the following form:

11 TO BE COMPLETED
12 BY THE CLERK

13 _____
14 Name of Voter Street Address or R.R.

15 _____
16 City, Township, or Village County

17 Ward _____ Precinct _____ Date of Election _____

18 =====

19 TO BE COMPLETED BY THE ABSENT VOTER

20
21 ~~I assert that~~ I am a qualified and registered elector of
22 the city, township, or village named above. I am voting as an
23 absent voter in conformity with ~~state~~ THE MICHIGAN election
24 law. Unless otherwise indicated below, I personally marked the
25 ballot enclosed in this envelope without ~~exhibiting~~ SHOWING it
26 to ~~any other~~ ANOTHER person.

27 ~~I further assert that this~~ THIS absent voter ballot is
28 being returned to the clerk or an assistant of the clerk by me
29 personally; by public postal service, express mail service,

1 parcel post service, or other common carrier; by a member of my
2 immediate family; or by a person residing in my household.

3 DATE: _____ SIGN HERE: X _____
4 Signature of Absent Voter

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

8 =====

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

11 I assisted the above named absent voter who is disabled or
12 otherwise unable to mark the ballot in marking his or her absent
13 voter ballot ~~pursuant to~~ FOLLOWING his or her directions. The
14 absent voter ballot was inserted in the return envelope without
15 being ~~exhibited to any other~~ SHOWN TO ANOTHER person.

16 _____

17 Signature of Person Street Address or R.R. City, Twp., ZIP CODE
18 Assisting Voter or Village

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

21 =====
22 =

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

4 ~~(4) A clerk may use absent voter ballot envelop stock pur-~~
5 ~~chased before March 28, 1996 for the remainder of the 1996 calen-~~
6 ~~dar year if both of the following requirements are satisfied:~~

7 ~~(a) The warning in subsection (3) that describes persons who~~
8 ~~can legally be in possession of an absent voter ballot is affixed~~
9 ~~to the outside of the envelope.~~

10 ~~(b) All other instructions required under subsection (3)~~
11 ~~regarding persons assisting the absent voter are inserted into~~
12 ~~the absent voter ballot envelope.~~

13 (4) IF AN APPLICANT FOR AN ABSENT VOTER BALLOT REGISTERED TO
14 VOTE BY MAIL AS PROVIDED IN SECTION 509V AND THE APPLICANT HAS
15 NOT SUBSEQUENTLY VOTED IN PERSON IN THAT JURISDICTION, THE CLERK
16 SHALL DELIVER TO THE APPLICANT A NOTARY FORM IN ADDITION TO THE
17 ABSENT VOTER BALLOT. THE APPLICANT SHALL SIGN AND HAVE NOTARIZED
18 THE NOTARY FORM AND DELIVER THE NOTARY FORM TO THE CLERK ALONG
19 WITH THE ABSENT VOTER BALLOT. IF THE APPLICANT DOES NOT DELIVER
20 THE NOTARY FORM ALONG WITH THE ABSENT VOTER BALLOT, THE ABSENT
21 VOTER BALLOT SHALL NOT BE COUNTED.

22 (5) An absent voter who knowingly makes a false statement on
23 the absent voter ballot return envelope is guilty of a
24 misdemeanor. A person who assists an absent voter and who know-
25 ingly makes a false statement on the absent voter ballot return
26 envelope is guilty of a felony.

[(6) BEFORE AN APPLICANT RECEIVES AN ABSENT VOTER BALLOT IN
PERSON, THE ELECTOR APPLYING TO VOTE BY ABSENT VOTER BALLOT SHALL
IDENTIFY HIMSELF OR HERSELF BY PRESENTING AN OFFICIAL STATE
IDENTIFICATION CARD ISSUED TO THAT INDIVIDUAL UNDER 1972 PA 222, MCL
28.291 TO 28.300, AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO THAT
INDIVIDUAL UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
257.923, OR ANOTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD.
IF THE ELECTOR DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD,
OPERATOR'S OR CHAUFFEUR'S LICENSE AS REQUIRED IN THIS SUBSECTION, OR
OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD, THE INDIVIDUAL
SHALL SIGN AN AFFIDAVIT TO THAT EFFECT BEFORE AN ELECTION INSPECTOR
AND BE ALLOWED TO VOTE AS OTHERWISE PROVIDED IN THIS ACT. HOWEVER, AN
ELECTOR BEING ALLOWED TO VOTE WITHOUT THE IDENTIFICATION REQUIRED
UNDER THIS SUBSECTION IS SUBJECT TO CHALLENGE AS PROVIDED IN SECTION
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