

SUBSTITUTE FOR
HOUSE BILL NO. 5086

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 497, 759, and 759a (MCL 168.497, 168.759,
and 168.759a), section 497 as amended by 1989 PA 142, section 759
as amended by 1995 PA 261, and section 759a as amended by 1999 PA
216; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 497. (1) A person who is not registered but possesses
2 the qualifications of an elector as set forth in section 492, may
3 apply for registration to the clerk of the county, township,
4 city, or village in which he or she resides on a day other than
5 Saturday, Sunday, a legal holiday, or the day of a regular,
6 primary, school, or special election. Registrations accepted
7 between the thirtieth day ~~preceeding~~ **before** an election and the
8 day of the election, unless the thirtieth day falls on a

1 Saturday, Sunday, or legal holiday, in which event registration
2 shall be accepted during the following day, are not valid for the
3 election but are valid for subsequent regular, primary, school,
4 or special elections that are held so that not less than 30 days
5 intervene between the date the person registered and the date of
6 the election.

7 **(2) A member of the armed services or an overseas voter who**
8 **is not registered but who possessed the qualifications of an**
9 **elector under section 492 on or before the thirtieth day before**
10 **the next regular, primary, or special election may apply for**
11 **registration by using the federal postcard application. The**
12 **department of state, bureau of elections, is responsible for**
13 **disseminating information on the procedures for registering and**
14 **voting to absent armed services and overseas voters.**

15 **(3) —(2)— Except as otherwise provided in subsection (2) and**
16 **sections ~~499a to 499e,~~ 500a to 500j, ~~and 504,~~ an application**
17 **for registration shall not be executed at a place other than the**
18 **office of the county, township, city, or village clerk or a**
19 **public place or places designated by the clerk or deputy**
20 **registrar for receiving registrations, but the clerk or deputy**
21 **registrar may receive an application wherever he or she may be.**
22 **If a county, township, city, or village clerk does not regularly**
23 **keep his or her office open daily during certain hours, the clerk**
24 **shall not be required to be at his or her office for the purpose**
25 **of receiving applications for registration on a particular day**
26 **nor during specific hours of a day, except as provided in section**
27 **498. Registrations taken after the time of closing registrations**

1 before an election need not be processed until the date
2 immediately following that election. A registration shall not be
3 placed in a precinct registration file until the date immediately
4 following that election. If a person registers at a time that
5 registrations are closed for an election, the person shall be
6 given a notice, signed by the clerk, on a form developed by the
7 secretary of state, informing him or her that he or she is not
8 eligible to vote in the election and indicating the first date on
9 which he or she is eligible to vote. Except as provided in
10 sections 500a to 500j, the provisions of this section relating to
11 registration shall apply.

12 Sec. 759. (1) ~~At~~ **Except as provided in subsection (8), at**
13 any time during the 75 days before a primary or special primary,
14 but not later than 2 p.m. of the Saturday immediately before the
15 primary or special primary, an elector who qualifies to vote as
16 an absent voter, as defined in section 758, may apply for an
17 absent voter ballot. The elector shall apply in person or by
18 mail with the clerk of the township, city, or village in which
19 the elector is registered. ~~An~~ **Except as provided in subsection**
20 **(8), an** application received before a primary or special primary
21 may be for either that primary only, or for that primary and the
22 election that follows.

23 (2) Except as otherwise provided in subsection (1), at any
24 time during the 75 days before an election, but not later than 2
25 p.m. of the Saturday before the election, an elector who
26 qualifies to vote as an absent voter, as defined in section 758,
27 may apply for an absent voter ballot. The elector shall apply in

1 person or by mail with the clerk of the township, city, or
2 village in which the voter is registered.

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

5 (a) By a written request signed by the ~~voter~~ **elector**
6 stating the statutory grounds for making the application.

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

9 (c) On a federal postcard application.

10 (4) An applicant for an absent voter ballot shall sign the
11 application. A clerk or assistant clerk shall not deliver an
12 absent voter ballot to an applicant who does not sign the
13 application. ~~A person other~~ **Other** than the applicant; a member
14 of the applicant's immediate family; a person residing in the
15 applicant's household; a person whose job normally includes the
16 handling of mail, but only during the course of his or her
17 employment; a registered elector requested by the applicant **to**
18 **return the application**; or a clerk, assistant of the clerk, or
19 other authorized election official, **a person** shall not be in
20 possession of a signed absent voter ballot application. A
21 registered elector who is requested by the applicant to return
22 his or her absent voter ballot application shall sign the
23 certificate on the absent voter ballot application.

24 (5) The clerk of the city, township, or village shall have
25 absent voter ballot application forms available in the office of
26 the clerk at all times and shall furnish an absent voter ballot
27 application form to anyone upon a verbal or written request. The

1 absent voter ballot application shall be in substantially the
 2 following form:

3 "Application for absent voter ballot for:

4 ☐ The primary or special primary election to be held on —
 5, 19.... _____

6 (Date)

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

9 (Date)

10 (Check applicable election or elections)

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

18 The statutory grounds on which I base my request are:

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

22 ☐ I am physically unable to attend the polls without the
 23 assistance of another.

24 ☐ I cannot attend the polls because of the tenets of my
 25 religion.

26 ☐ I have been appointed an election precinct inspector in a

1 precinct other than the precinct where I reside.

2 [] I am 60 years of age or older.

3 [] I cannot attend the polls because I am confined to jail
4 awaiting arraignment or trial.

5 (Check applicable reason)

6 Send absent voter ballot to me at:

7

8 (Street No. or R.R.)

9

10 (Post Office) (State) **(Zip Code)**

11 My registered address.....

12 (Street No. or R.R.)

13

14 (Post Office) (State) **(Zip Code)**

15 Date.....

16 I declare that the statements in this absent voter ballot
17 application are true.

18

19 (Signature)

20 **WARNING**

21 A person making a false statement in this absent voter ballot
22 application is guilty of a misdemeanor. It is a violation of
23 Michigan election law for a person other than those listed in the
24 instructions to return, offer to return, agree to return, or
25 solicit to return your absent voter ballot application to the
26 clerk. An assistant authorized by the clerk who receives absent
27 voter ballot applications at a location other than the office of
28 the clerk must have credentials signed by the clerk. Ask to see
29 his or her credentials before entrusting your application with a
30 person claiming to have the clerk's authorization to return your

1 application.

2 Certificate of Authorized Registered

3 Elector Returning Absent Voter

4 Ballot Application

5 I certify that my name is, my address is
 6, and my date of birth is; that
 7 I am delivering the absent voter ballot application of
 8 at his or her request; that I did not
 9 solicit or request to return the application; that I have not
 10 made any markings on the application; that I have not altered the
 11 application in any way; that I have not influenced the applicant;
 12 and that I am aware that a false statement in this certificate is
 13 a violation of Michigan election law.

14 _____
 15 (Date) (Signature)"
 16 (6) The following instructions for an applicant for an absent
 17 voter ballot shall be included with each application furnished an
 18 applicant:

19 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

20 Step 1. After completely filling out the application, sign
 21 and date the application in the place designated. Your signature
 22 must appear on the application or you will not receive an absent
 23 voter ballot.

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

26 (a) Place the application in an envelope addressed to the
 27 appropriate clerk and place the necessary postage upon the return
 28 envelope and deposit it in the United States mail or with another

1 public postal service, express mail service, parcel post service,
2 or common carrier.

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

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

11 (d) ~~In the event~~ If an applicant cannot return the
12 application in any of the above methods, the applicant may select
13 any registered elector to return the application. The person
14 returning the application must sign and return the certificate at
15 the bottom of the application.

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

21 (8) A qualified elector, including a member of the armed
22 services or an overseas voter who registers to vote by federal
23 postcard application under section 497(2), who applies to vote as
24 an absent voter by federal postcard application is eligible to
25 vote as an absent voter in any local or state election, including
26 any school election, occurring in the calendar year in which the
27 federal postcard application is received by the city, village, or

1 township clerk, but not in an election for which the application
2 is received by the clerk after 2 p.m. of the Saturday before the
3 election. A city or township clerk receiving a federal postcard
4 application shall transmit to a village clerk and secretary of
5 the school district, where applicable, the necessary information
6 to enable the village clerk and secretary of the school district
7 to forward an absent voter ballot for each applicable election in
8 that calendar year to the qualified elector submitting the
9 federal postcard application. If the local elections official
10 rejects a registration or absent voter ballot application
11 submitted on a federal postcard application by an absent armed
12 services or overseas voter, the election official shall notify
13 the armed services or overseas voter of the rejection.

14 Notwithstanding another provision of this act to the contrary, as
15 soon as absent voter ballots are available before an election,
16 the city, village, or township clerk shall forward the absent
17 voter ballot to an absent voter who is eligible to vote as an
18 absent voter in that calendar year under this subsection. The
19 city, village, or township clerk shall comply with all other
20 provisions of this act regarding the handling of absent voter
21 ballots.

22 (9) ~~-(8)-~~ A person who makes a false statement in an absent
23 voter ballot application is guilty of a misdemeanor. A person
24 who forges a signature on an absent voter ballot application is
25 guilty of a felony. A person who is not authorized in this act
26 and who both distributes absent voter ballot applications to
27 absent voters and returns those absent voter ballot applications

1 to a clerk or assistant of the clerk is guilty of a misdemeanor.

2 Sec. 759a. (1) ~~Except as provided in subsection (5), each~~
 3 **Each** of the following persons who is a qualified elector of a
 4 city, **village**, or township in this state and who is not a
 5 registered voter may apply for an absent voter ballot: ~~pursuant~~
 6 ~~to section 504:~~

7 (a) A civilian employee of the armed services outside of the
 8 United States.

9 (b) A member of the armed services outside of the United
 10 States.

11 (c) A citizen of the United States temporarily residing
 12 outside the territorial limits of the United States.

13 (d) A citizen of the United States residing in the District
 14 of Columbia.

15 (e) A spouse or dependent of a person described in
 16 subdivisions (a) through (d) who is a citizen of the United
 17 States and who is accompanying that person, ~~notwithstanding~~
 18 ~~that~~ **even though** the spouse or dependent is not a qualified
 19 elector of a city, **village**, or township of this state, ~~as long~~
 20 ~~as~~ **if** that spouse or dependent is not a qualified and registered
 21 elector anywhere else in the United States.

22 ~~(2) A citizen described in subsection (1) other than a~~
 23 ~~person described in subsection (1)(b) or a spouse or dependent of~~
 24 ~~such a person described in subsection (1)(b) shall include, with~~
 25 ~~an application for an absent voter ballot or registration, an~~
 26 ~~affidavit in a form and manner approved by the state director of~~
 27 ~~elections stating either of the following:~~

1 ~~—— (a) His or her qualifications as an elector at the time he or~~
2 ~~she departed from the United States or began residing in the~~
3 ~~District of Columbia and affirming that he or she has not~~
4 ~~relinquished his or her citizenship or established residence for~~
5 ~~voting in any other place.~~

6 ~~—— (b) That he or she is a spouse or dependent of a person~~
7 ~~described in subsection (1)(a), (c), or (d), that he or she meets~~
8 ~~the qualifications as an elector other than residency in this~~
9 ~~state, and that he or she has not established a residence for~~
10 ~~voting in any other place.~~

11 (2) ~~—(3)—~~ Upon receipt of an application under this section
12 that complies with this act, a city, **village**, or township clerk
13 shall forward to the applicant the absent voter ballots
14 requested, the forms necessary for registration, and instructions
15 for completing the forms. If the ballots are not yet available
16 at the time of receipt of the application, the clerk shall
17 immediately forward to the applicant the registration forms and
18 instructions, and forward the ballots as soon as they are
19 available. If the ballots and registration forms are received
20 before the close of the polls on election day and if the
21 registration complies with the requirements of this act, the
22 absent voter ballots shall be delivered to the proper election
23 board to be voted. If the registration does not comply with the
24 requirements of this act, the clerk shall retain the absent voter
25 ballots until the expiration of the time that the voted ballots
26 must be kept and shall then destroy the ballots without opening
27 the envelope. The clerk may retain registration forms completed

1 under this section in a separate file. The address in this state
2 shown on a registration form is the residence of the registrant.

3 (3) ~~-(4)-~~ The size of a precinct shall not be determined by
4 registration forms completed under this section.

5 ~~-(5)- A person described in subsection (1)(a) and (b) and a~~
6 ~~spouse or dependent of that person who is accompanying that~~
7 ~~person is registered to vote in a special primary or special~~
8 ~~general election if he or she was registered to vote under this~~
9 ~~section in the primary or general election immediately preceding~~
10 ~~the special primary or special general election. The city or~~
11 ~~township clerk who received that person's completed registration~~
12 ~~forms in the primary or general election shall forward to that~~
13 ~~person at his or her last known address an absent voter ballot~~
14 ~~for the special primary or special general election immediately~~
15 ~~upon the clerk's receipt of the absent voter ballots for the~~
16 ~~special primary or special general election.~~

17 (4) ~~-(6)- Pursuant to~~ **Under** the uniformed and overseas
18 citizens absentee voting act, Public Law 99-410, 100 Stat. 924,
19 the state director of elections shall approve a ballot form and
20 registration procedures for electors in the armed services and
21 electors outside the United States, including the spouses and
22 dependents accompanying those electors.

23 (5) ~~-(7)-~~ As used in this section **and in section 497**, "armed
24 services" means any of the following:

25 (a) The United States army, navy, air force, marine corps, or
26 coast guard.

27 (b) The United States merchant ~~marines~~ **marine**.

1 (c) A reserve component of an armed service listed in
2 subdivision (a) or (b).

3 (d) The Michigan national guard as defined in section 105 of
4 the Michigan military act, 1967 PA 150, MCL 32.505.

5 Enacting section 1. Sections 504, 509, and 509a of the
6 Michigan election law, 1954 PA 116, MCL 168.504, 168.509, and
7 168.509a, are repealed.