

# SENATE BILL No. 1165

April 22, 2004, Introduced by Senators CHERRY, SCHAUER, BRATER, LELAND,  
OLSHOVE and HARDIMAN and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 761 (MCL 168.761), as amended by 1996 PA  
207.

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

1       Sec. 761. (1) If the clerk of a city, township, or village  
2 receives an application for an absent voter ballot from a person  
3 registered to vote in that city, township, or village and if the  
4 signature on the application agrees with the signature on the  
5 registration card, the clerk **shall proceed under this**  
6 **subsection. The clerk** immediately upon receipt of the  
7 application or, if the application is received before the  
8 printing of the absent voter ballots, as soon as the ballots are  
9 received by the clerk, shall forward by mail, postage prepaid, or  
10 shall deliver personally 1 of the ballots or set of ballots if

1 there is more than 1 kind of ballot to be voted to the  
2 applicant. Absent voter ballots may be delivered to an applicant  
3 in person at the office of the clerk.

4 (2) Notwithstanding **the provision in** section 759 ~~—~~  
5 ~~providing~~ that no absent voter applications shall be received by  
6 the clerk after 2 p.m. on the Saturday before the election, a  
7 person qualified to vote as an absent voter may apply in person  
8 at the clerk's office before 4 p.m. on a day ~~preceding~~ **before**  
9 the election except Sunday or a legal holiday to vote as an  
10 absent voter. The applicant shall receive his or her absent  
11 voter ballot and vote the ballot in the clerk's office. All  
12 other absent voter ballots, except ballots delivered ~~pursuant~~  
13 **according** to an emergency absent voter ballot application under  
14 section 759b, shall be mailed or delivered to the registration  
15 address of the applicant unless the ~~application~~ **applicant**  
16 requests delivery to an address outside the city, village, or  
17 township or to a hospital or similar institution. ~~—, in which~~  
18 ~~ease~~ **If the applicant requests delivery to other than the**  
19 **applicant's registration address,** the absent voter ballots shall  
20 be mailed or delivered to the address given in the application.  
21 ~~However, a~~ **A** clerk may mail or deliver an absent voter ballot,  
22 upon request of the absent voter, to a post office box if the  
23 post office box is where the absent voter normally receives  
24 personal mail and the absent voter does not receive mail at his  
25 or her registration address.

26 (3) Absent voter ballots shall be issued in the same order in  
27 which applications are received by the clerk of a city, township,

1 or village, as ~~nearly as may be~~ **much as possible**, and each  
2 ballot issued shall bear the lowest number of each kind available  
3 for this purpose. ~~However, this~~ **This** provision does not  
4 prohibit a clerk from immediately issuing an absent voter ballot  
5 to an absent voter who applies in person in the clerk's office  
6 for absent voter ballots. The clerk shall enclose with the  
7 ballot or ballots a return envelope properly addressed to the  
8 clerk and bearing upon the back of the envelope a printed  
9 statement in substantially the following form:

10 TO BE COMPLETED  
11 BY THE CLERK

12 \_\_\_\_\_  
13 Name of Voter Street Address or R.R.  
14 \_\_\_\_\_  
15 City, Township or Village County  
16 Ward \_\_\_\_\_ Precinct \_\_\_\_\_ Date of Election \_\_\_\_\_

17 =====  
18 TO BE COMPLETED BY THE ABSENT VOTER

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

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

29 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.

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

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot ~~pursuant~~ **according** to his or her directions **and in his or her physical presence**. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

\_\_\_\_\_  
Signature of Person Street Address or R.R. City, Twp., or Village  
Assisting Voter

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

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WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER

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~~  
5 ~~purchased before March 28, 1996 for the remainder of the 1996~~  
6 ~~calendar year if both of the following requirements are~~  
7 ~~satisfied.~~

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

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

14 (4) ~~—(5)—~~ An absent voter who knowingly makes a false  
15 statement on the absent voter ballot return envelope is guilty of  
16 a misdemeanor. A person who assists an absent voter and who  
17 knowingly makes a false statement on the absent voter ballot  
18 return envelope is guilty of a felony.