

SUBSTITUTE FOR  
HOUSE BILL NO. 4569

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 758 and 764b (MCL 168.758 and 168.764b), as  
amended by 1996 PA 207, and by adding section 763.

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

1       Sec. 758. (1) For the purposes of this act, "absent voter"

2 means **EITHER A QUALIFIED AND REGISTERED ELECTOR WHO MEETS THE**

3 **REQUIREMENTS UNDER SECTION 763 OR** a qualified and registered

4 elector who meets 1 or more of the following requirements:

5       (a) On account of physical disability, cannot without  
6 another's assistance attend the polls on the day of an election.

7       (b) On account of the tenets of his or her religion, cannot

1 attend the polls on the day of election.

2 (c) Cannot attend the polls on the day of an election in the  
3 precinct in which he or she resides because of being an election  
4 precinct inspector in another precinct.

5 (d) Is 60 years of age or older.

6 (e) Is absent or expects to be absent from the township or  
7 city in which he or she resides during the entire period the polls  
8 are open for voting on the day of an election.

9 (f) Cannot attend the polls on election day because of being  
10 confined in jail awaiting arraignment or trial.

11 (2) Subsection (1) does not apply to a person who has moved  
12 outside of this state, regardless of length of his or her residence  
13 outside of this state, and who no longer maintains an actual  
14 residence in this state. The storage of personal effects or  
15 household goods, the ownership of property that is rented or leased  
16 to others, or occasional brief visits to a former domicile in this  
17 state while residing outside of this state for most of the year  
18 does not constitute a residence for voting purposes in this state,  
19 except for each of the following:

20 (a) A person described in section 1 of article II of the state  
21 constitution of 1963 and statutes enacted under that section.

22 (b) A person described in section 759a.

23 **SEC. 763. (1) A QUALIFIED AND REGISTERED ELECTOR WHO APPEARS**  
24 **AT THE CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE AT ANY TIME DURING**  
25 **THE 7 DAYS PRECEDING AN ELECTION BUT NOT LATER THAN 4 P.M. OF THE**  
26 **DAY PRECEDING THE ELECTION EXCEPT SUNDAY OR A LEGAL HOLIDAY MAY**  
27 **REQUEST AND COMPLETE AN ABSENT VOTER BALLOT APPLICATION AS SET**

House Bill No. 4569 (H-1) as amended April 19, 2005

1 FORTH IN SUBSECTION (2). AN APPLICANT WHO COMPLETES AND SIGNS THE  
 2 ABSENT VOTER BALLOT APPLICATION UNDER SUBSECTION (2) SHALL RECEIVE  
 3 HIS OR HER ABSENT VOTER BALLOT AND VOTE THE BALLOT IN THE CLERK'S  
 4 OFFICE WITHOUT HAVING TO PROVIDE A REASON IF HE OR SHE PRESENTS TO  
 5 THE CLERK A MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE, DEPARTMENT  
 6 OF STATE ISSUED PERSONAL IDENTIFICATION CARD, OTHER GOVERNMENT  
 7 ISSUED PHOTO IDENTIFICATION CARD, OR A PHOTO IDENTIFICATION CARD  
 8 ISSUED BY AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE  
 9 DESCRIBED IN SECTION 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF  
 10 1963 OR A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED UNDER  
 11 SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963 TO  
 12 ESTABLISH HIS OR HER IDENTITY. [THE SECRETARY OF STATE SHALL ISSUE A  
 PERSONAL IDENTIFICATION CARD, WITHOUT FEE OR CHARGE, TO A PERSON WHO  
 INTENDS TO APPLY UNDER SUBSECTION (2) AND WHO DOES NOT CURRENTLY HAVE THE  
 IDENTIFICATION REQUIRED UNDER THIS SUBSECTION.] THE INSTRUCTIONS FOR AN  
 ABSENT VOTER

13 AS SET FORTH IN SECTION 764A SHALL BE INCLUDED WITH EACH BALLOT  
 14 FURNISHED TO AN ABSENT VOTER UNDER THIS SECTION.

15 (2) THE ABSENT VOTER BALLOT APPLICATION USED PURSUANT TO THIS  
 16 SECTION SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

17 "APPLICATION FOR ABSENT VOTER BALLOT FOR:

18 [ ] THE PRIMARY OR SPECIAL PRIMARY ELECTION TO BE HELD ON

19 ..... , 20 ... .

20 [ ] THE ELECTION TO BE HELD ON ..... , 20 ... .

21 (CHECK APPLICABLE ELECTION OR ELECTIONS)

22 I, ..... , A QUALIFIED AND REGISTERED ELECTOR OF THE

23 ..... PRECINCT OF THE TOWNSHIP OF ..... OR VILLAGE OF

24 ..... OR OF THE ..... WARD OF THE CITY OF ..... , IN

25 THE COUNTY OF ..... AND STATE OF MICHIGAN, APPLY FOR AN

26 OFFICIAL BALLOT, OR BALLOTS, TO BE VOTED BY ME AT THE ELECTION OR

27 ELECTIONS AS REQUESTED IN THIS APPLICATION.

1 MY REGISTERED ADDRESS.....

2 (STREET NO. OR R.R.)

3 .....

4 (POST OFFICE) (STATE) (ZIP CODE)

5 DATE .....

6 I DECLARE THAT THE STATEMENTS IN THIS ABSENT VOTER BALLOT  
7 APPLICATION ARE TRUE.

8 .....

9 (SIGNATURE)

10 WARNING

11 A PERSON MAKING A FALSE STATEMENT IN THIS ABSENT VOTER BALLOT  
12 APPLICATION IS GUILTY OF A MISDEMEANOR.".

13 (3) AN ABSENT VOTER UNDER THIS SECTION, AFTER RECEIVING AND  
14 VOTING THE BALLOT IN THE CLERK'S OFFICE, SHALL SUBMIT THE BALLOT IN  
15 THE RETURN ENVELOPE PERSONALLY TO THE CLERK OR AN AUTHORIZED  
16 ASSISTANT CLERK. AS SET FORTH IN SECTION 761(3), AN ABSENT VOTER  
17 UNDER THIS SECTION SHALL SIGN AND DATE THE RETURN ENVELOPE IN THE  
18 PLACE DESIGNATED.

19 (4) A PERSON WHO MAKES A FALSE STATEMENT IN AN ABSENT VOTER  
20 BALLOT APPLICATION IS GUILTY OF A MISDEMEANOR. A PERSON WHO FORGES  
21 A SIGNATURE ON AN ABSENT VOTER BALLOT APPLICATION IS GUILTY OF A  
22 FELONY.

23 (5) IF A CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE DOES NOT  
24 MAINTAIN REGULAR BUSINESS HOURS DURING THE 7 DAYS PRECEDING AN  
25 ELECTION, AND THE CITY, TOWNSHIP, OR VILLAGE CLERK ENTERS INTO AN  
26 AGREEMENT WITH THE COUNTY CLERK THAT ALLOWS ABSENT VOTERS TO VOTE  
27 AT THE COUNTY CLERK'S OFFICE, A QUALIFIED AND REGISTERED VOTER MAY

House Bill No. 4569 (H-1) as amended April 19, 2005

1 APPLY AND VOTE PURSUANT TO THIS SECTION AT THE COUNTY CLERK'S  
2 OFFICE.

[(6) EACH CITY, TOWNSHIP, OR VILLAGE CLERK MAY MAKE 1 VOTING  
MACHINE AVAILABLE THAT ALLOWS AN ABSENT VOTER UNDER THIS SECTION TO CHECK  
HIS OR HER BALLOT FOR ERRORS WITHOUT TABULATING THE BALLOT. THIS  
SUBSECTION APPLIES TO EACH COUNTY CLERK WHO AGREES TO ALLOW ABSENT VOTERS  
TO VOTE AT THE COUNTY CLERK'S OFFICE PURSUANT TO SUBSECTION (5).]

Sec. 764b. (1) ~~An~~ EXCEPT AS PROVIDED IN SECTION 763, AN

3 absent voter ballot shall be delivered to the clerk only as  
4 authorized in the instructions for an absent voter provided in  
5 section 764a.

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

9 (3) The clerk of a city, township, or village may appoint the  
10 number of assistants necessary to accept delivery of absent voter  
11 ballots at any location in the city, township, or village. An  
12 appointment as assistant to accept delivery of absent voter ballots  
13 shall be for 1 election only. An assistant appointed to receive  
14 ballots at a location other than the **CLERK'S** office ~~of the clerk~~  
15 shall be furnished credentials of authority by the clerk. If an  
16 absent voter's ballot is received by an assistant at any location  
17 other than the clerk's office the assistant, upon request, shall  
18 exhibit the credentials to the absent voter before the assistant  
19 accepts an absent voter ballot. An assistant, before entering upon  
20 the discharge of duties, shall take and subscribe to the oath of  
21 office as provided in section 1 of article XI of the state  
22 constitution of 1963. An assistant shall perform only the duties  
23 assigned by the clerk. A person shall not be appointed as an  
24 assistant to accept delivery of absent voter ballots who is a  
25 candidate or a member of the immediate family of a candidate whose  
26 name appears on the ballot at that election.

1           (4) A clerk who receives a request from an absent voter under  
2 section 764a for assistance in returning his or her absent voter  
3 ballot shall make arrangements to collect the ballot from the voter  
4 either personally or by sending an authorized assistant, if all of  
5 the following conditions are satisfied:

6           (a) The clerk's office issued the absent voter ballot to that  
7 absent voter.

8           (b) Upon the clerk's request, the absent voter states that he  
9 or she is unable to return the absent voter ballot by the other  
10 means specified in instructions (a), (b), or (c) of Step 5 under  
11 section 764a.

12           (c) The absent voter telephones the appropriate clerk for  
13 assistance on or before 5 p.m. on the Friday immediately preceding  
14 the election.

15           (d) The absent voter is requesting the clerk to pick up the  
16 absent voter ballot within the jurisdictional limits of the city,  
17 township, or village in which the absent voter is registered.

18           (5) Notwithstanding subsection (4), a clerk who receives a  
19 request from an absent voter under section 764a for assistance in  
20 returning his or her absent voter ballot may make arrangements to  
21 collect the ballot from the voter either personally or by sending  
22 an authorized assistant, if all of the following conditions are  
23 satisfied:

24           (a) The clerk's office issued the absent voter ballot to that  
25 absent voter.

26           (b) Upon the clerk's request, the absent voter states that he  
27 or she is unable to return the absent voter ballot by the other

1 means specified in instructions (a), (b), or (c) of Step 5 under  
2 section 764a.

3 (6) The clerk shall maintain a list open to the public that  
4 contains the names and addresses of all authorized assistants  
5 appointed under this section who are available to collect absent  
6 voter ballots on or before election day in that city or township.

7 (7) An absent voter ballot received by the clerk before the  
8 close of the polls on election day shall not be invalidated solely  
9 because the delivery to the clerk was not in compliance with  
10 section 764a or this section, however the ballot shall be  
11 considered challenged and shall be marked and processed as provided  
12 in section 745.