

HOUSE BILL No. 4228

February 8, 2005, Introduced by Rep. Ward and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 495, 500a, and 759 (MCL 168.495, 168.500a, and 168.759), sections 495 and 500a as amended by 1995 PA 87 and section 759 as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 495. **AN INDIVIDUAL WHO REGISTERS AS AN ELECTOR SHALL**
2 **COMPLETE A REGISTRATION APPLICATION.** The registration ~~affidavit~~
3 ~~required under section 493~~ **APPLICATION** shall contain all of the
4 following:
5 (a) The name of the elector.
6 (b) The residence address of the elector, including the street
7 and number or rural route and box number and the apartment number,

1 if any.

2 (c) The birthplace and date of birth of the elector.

3 (d) The driver's license or state personal identification card
4 number of the elector, if available.

5 (e) A statement that the elector is a citizen of the United
6 States.

7 (f) A statement that the elector is at the time of completing
8 the ~~affidavit~~ **APPLICATION**, or will be on the date of the next
9 election, not less than 18 years of age.

10 (g) A statement that the elector has or will have lived in
11 this state not less than 30 days before the next election.

12 (h) A statement that the elector has or will have established
13 his or her residence in the township, city, or village in which the
14 elector is applying for registration not less than 30 days before
15 the next election.

16 (i) A statement that the elector is or will be a qualified
17 elector of the township, city, or village on the date of the next
18 election.

19 (j) A space in which the elector shall state the place of the
20 elector's last registration, if any.

21 **(K) A SPACE FOR THE ELECTOR TO SIGN AND CERTIFY TO THE TRUTH**
22 **OF THE STATEMENTS ON THE REGISTRATION APPLICATION.**

23 **(l) A SPACE FOR THE ELECTOR TO MARK IF THE ELECTOR WISHES TO BE**
24 **LISTED ON A PERMANENT ABSENTEE VOTERS LIST.**

25 Sec. 500a. (1) The secretary of state or the secretary of
26 state's agent shall afford ~~a person~~ **AN INDIVIDUAL** who appears in
27 a department of state branch office or ~~a person~~ **AN INDIVIDUAL** who

1 applies for renewal of an operator's or chauffeur's license under
2 section 307 of the Michigan vehicle code, ~~Act No. 300 of the~~
3 ~~Public Acts of 1949, being section 257.307 of the Michigan Compiled~~
4 ~~Laws~~ **1949 PA 300, MCL 257.307**, an opportunity to complete an
5 application to register to vote or to change the ~~person's~~
6 **INDIVIDUAL'S** voting registration name or address, if the applicant
7 possesses the qualifications of an elector on the date of
8 application or will possess the qualifications at the next
9 election. This subsection does not require a registered elector to
10 periodically reregister or to renew his or her registration. The
11 ~~application for~~ registration **APPLICATION** made under this section
12 shall contain all of the following:

13 (a) The name of the applicant.

14 (b) The residence address of the applicant, including the
15 street and number or rural route and box number and apartment
16 number, if any.

17 (c) The city or township and county of residence of the
18 applicant, and the school district of the applicant, if known.

19 (d) The date of birth of the applicant.

20 (e) The birthplace of the applicant.

21 (f) The driver's license or state personal identification card
22 number of the applicant, if available.

23 (g) A statement that the applicant has the qualifications of
24 an elector as of the date of applying for registration, or will
25 have the qualifications of an elector at the next election.

26 (h) A statement that the registration is not effective until
27 processed by the clerk of the city or township in which the

1 applicant resides.

2 (i) A statement that the applicant, if qualified, may vote at
3 an election occurring not less than 30 days after the date of
4 completing the application.

5 (j) A space to indicate the applicant's last place of
6 registration, if any.

7 (k) A statement authorizing the cancellation of registration
8 at the applicant's last place of registration.

9 (l) A space for the applicant to sign and certify to the truth
10 of the statements on the application.

11 **(M) A SPACE FOR THE APPLICANT TO MARK IF THE APPLICANT WISHES**
12 **TO BE LISTED ON A PERMANENT ABSENTEE VOTERS LIST.**

13 (2) The applicant shall sign the **REGISTRATION** application.
14 Upon ~~receipt of~~ **RECEIVING** the application, the agent shall sign
15 the application, stamp the application with a validation stamp, and
16 provide the applicant with a receipt verifying the registration
17 application. The agent shall promptly forward the application to
18 the county clerk of the applicant's residence or to a city or
19 township clerk designated by the secretary of state.

20 Sec. 759. (1) At any time during the 75 days before a primary
21 or special primary, but not later than 2 p.m. of the Saturday
22 immediately before the primary or special primary, an elector who
23 qualifies to vote as an absent voter, as defined in section 758,
24 may apply for an absent voter ballot. The elector shall apply in
25 person or by mail with the clerk of the township, city, or village
26 in which the elector is registered **OR, FOR A SCHOOL ELECTION, WITH**
27 **THE SECRETARY OF THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH**

1 **THE ELECTOR RESIDES.** An application received before a primary or
2 special primary may be for either that primary only, or for that
3 primary and the election that follows.

4 (2) Except as otherwise provided in subsection (1), at any
5 time during the 75 days before an election, but not later than 2
6 p.m. of the Saturday before the election, an elector who qualifies
7 to vote as an absent voter, as defined in section 758, may apply
8 for an absent voter ballot. The elector shall apply in person or by
9 mail with the clerk of the township, city, or village in which the
10 voter is registered **OR, FOR A SCHOOL ELECTION, WITH THE SECRETARY**
11 **OF THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH THE ELECTOR**
12 **RESIDES.**

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

15 (a) By a written request signed by the ~~voter~~ **ELECTOR** stating
16 the statutory grounds for making the application.

17 (b) On an absent voter ballot application form ~~provided for~~
18 that ~~purpose by~~ the clerk of the city, township, or village **OR**
19 **THE SECRETARY OF A SCHOOL BOARD PROVIDES TO THE ELECTOR.**

20 (c) On a federal postcard application.

21 (4) **EACH CITY, TOWNSHIP, OR VILLAGE CLERK AND SECRETARY OF A**
22 **SCHOOL BOARD SHALL COMPILE AND MAINTAIN A LIST OF ELECTORS WHO**
23 **REQUEST TO BE LISTED ON A PERMANENT ABSENTEE VOTERS LIST. FOR EACH**
24 **ELECTION CONDUCTED BY A CLERK OR SECRETARY OF A SCHOOL BOARD, THE**
25 **CLERK OR SECRETARY OF THE SCHOOL BOARD SHALL MAIL OR OTHERWISE**
26 **PROVIDE AN ABSENT VOTER BALLOT APPLICATION TO EACH ELECTOR LISTED**
27 **ON THE PERMANENT ABSENTEE VOTERS LIST FOR THAT CITY, TOWNSHIP,**

1 **VILLAGE, OR SCHOOL DISTRICT.**

2 (5) ~~-(4)-~~ An applicant for an absent voter ballot shall sign
 3 the application. A clerk, ~~or~~ assistant clerk, **OR SECRETARY OF THE**
 4 **SCHOOL BOARD** shall not deliver an absent voter ballot to an
 5 applicant who does not sign the application. ~~A person other~~ **OTHER**
 6 than the applicant; a member of the applicant's immediate family;
 7 ~~a person~~ **AN INDIVIDUAL** residing in the applicant's household; ~~a~~
 8 ~~person~~ **AN INDIVIDUAL** whose job normally includes the handling of
 9 mail, but only during the course of his or her employment; a
 10 registered elector requested by the applicant **TO RETURN THE**
 11 **APPLICATION**; or a clerk, assistant of the clerk, or other
 12 authorized election official, **AN INDIVIDUAL** shall not be in
 13 possession of a signed absent voter ballot application. A
 14 registered elector who is requested by the applicant to return his
 15 or her absent voter ballot application shall sign the certificate
 16 on the absent voter ballot application.

17 (6) ~~-(5)-~~ The clerk of the city, township, or village **OR THE**
 18 **SECRETARY OF A SCHOOL BOARD** shall have absent voter ballot
 19 application forms available in the office of the clerk **OR SECRETARY**
 20 **OF THE SCHOOL BOARD** at all times and shall furnish an absent voter
 21 ballot application form to anyone upon a verbal or written request.
 22 The absent voter ballot application shall be in substantially the
 23 following form:

24 "Application for absent voter ballot for:

25 [] The primary **ELECTION** or special primary election to be held
 26 on ~~....., 19...~~ _____ **[DATE]**.

27 [] The election to be held on ~~....., 19...~~ _____

1 [DATE].

2 (Check applicable election or elections)

3 I, , a qualified and registered elector of the
4 precinct of the township of or village of
5 or of the ward of the city of , in
6 the county of and state of Michigan, apply for an
7 official ballot, or ballots, to be voted by me at the election or
8 elections as requested in this application.

9 The statutory grounds on which I have my request are:

10 I expect to be absent from the community in which I am
11 registered for the entire time the polls are open on election day.

12 I am physically unable to attend the polls without the
13 assistance of another.

14 I cannot attend the polls because of the tenets of my
15 religion.

16 I have been appointed an election precinct inspector in a
17 precinct other than the precinct where I reside.

18 I am 60 years of age or older.

19 I cannot attend the polls because I am confined to jail
20 awaiting arraignment or trial.

21 (Check applicable reason)

22 Send absent voter ballot to me at:

23

24 (Street No. or R.R.)

25

26 (Post Office) (State) (ZIP CODE)

27 My registered address.....

1 (Street No. or R.R.)

2

3 (Post Office) (State) (ZIP CODE)

4 Date

5 I ~~declare~~ **CERTIFY** that the statements in this absent voter
6 ballot application are true.

7

8 (Signature)

9 WARNING

10 A person making a false statement in this absent voter ballot
11 application is guilty of a misdemeanor. It is a violation of
12 Michigan election law for a person other than those listed in the
13 instructions to return, offer to return, agree to return, or
14 solicit to return your absent voter ballot application to the
15 clerk. An assistant authorized by the clerk who receives absent
16 voter ballot applications at a location other than the office of
17 the clerk must have credentials signed by the clerk. Ask to see his
18 or her credentials before entrusting your application with a person
19 claiming to have the clerk's authorization to return your
20 application.

21 Certificate of Authorized Registered
22 Elector Returning Absent Voter
23 Ballot Application

24 I certify that my name is, my address is
25, and my date of birth is; that I
26 am delivering the absent voter ballot application of
27 at his or her request; that I did not solicit

1 or request to return the application; that I have not made any
 2 markings on the application; that I have not altered the
 3 application in any way; that I have not influenced the applicant;
 4 and that I am aware that a false statement in this certificate is a
 5 violation of Michigan election law.

6 _____

7 (Date)

(Signature)"

8 (7) ~~-(6)-~~ The following instructions for an applicant for an
 9 absent voter ballot shall be included with each application
 10 furnished an applicant:

11 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

12 Step 1. After completely filling out the application, sign and
 13 date the application in the place designated. Your signature must
 14 appear on the application or you will not receive an absent voter
 15 ballot.

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

17 (a) Place the application in an envelope addressed to the
 18 appropriate clerk **OR OTHER APPROPRIATE ELECTION OFFICIAL** and place
 19 the necessary postage upon the return envelope and deposit it in
 20 the United States mail or with another public postal service,
 21 express mail service, parcel post service, or common carrier.

22 (b) Deliver the application personally to the office of the
 23 clerk ~~—, to the clerk, or to an authorized assistant of the clerk~~
 24 **OR OTHER ELECTION OFFICIAL.**

25 (c) ~~In either~~ **FOR PURPOSES OF SUBDIVISION** (a) or (b), a member
 26 of the immediate family of the voter including a father-in-law,
 27 mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-

1 in-law, grandparent, or grandchild or a person residing in the
2 voter's household may mail or deliver the application to the clerk
3 **OR OTHER ELECTION OFFICIAL** for the applicant.

4 (d) ~~In the event~~ **IF** an applicant cannot return the
5 application in any of the above methods, the applicant may select
6 any registered elector to return the application. The person
7 returning the application must sign and return the certificate at
8 the bottom of the application.

9 (8) ~~-(7)-~~ A person who prints and distributes absent voter
10 ballot applications shall print on the application the warning,
11 certificate of authorized registered elector returning absent voter
12 ballot application, and instructions required by this section.

13 (9) ~~-(8)-~~ A person who makes a false statement in an absent
14 voter ballot application is guilty of a misdemeanor. A person who
15 forges a signature on an absent voter ballot application is guilty
16 of a felony. A person who is not authorized in this act and who
17 both distributes absent voter ballot applications to absent voters
18 and returns those absent voter ballot applications to a clerk or
19 ~~assistant of the clerk~~ **OTHER ELECTION OFFICIAL** is guilty of a
20 misdemeanor.