

HOUSE BILL No. 4569

March 24, 2005, Introduced by Reps. Ward, Brown, Gosselin, Stahl, Kooiman, Drolet, Palmer, Meisner, Bieda and Anderson 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 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
8 attend the polls on the day of election.

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

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

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

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

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

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

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

22 **SEC. 763. (1) A QUALIFIED AND REGISTERED ELECTOR WHO APPEARS**
23 **AT THE CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE AT ANY TIME DURING**
24 **THE 7 DAYS PRECEDING A PRIMARY OR ELECTION BUT NOT LATER THAN 4**
25 **P.M. OF THE DAY PRECEDING THE PRIMARY OR ELECTION EXCEPT SUNDAY OR**
26 **A LEGAL HOLIDAY MAY REQUEST AND COMPLETE AN ABSENT VOTER BALLOT**
27 **APPLICATION AS SET FORTH IN SUBSECTION (2). AN APPLICANT WHO**

1 COMPLETES AND SIGNS THE ABSENT VOTER BALLOT APPLICATION UNDER
 2 SUBSECTION (2) SHALL RECEIVE HIS OR HER ABSENT VOTER BALLOT AND
 3 VOTE THE BALLOT IN THE CLERK'S OFFICE WITHOUT HAVING TO PROVIDE A
 4 REASON IF HE OR SHE PRESENTS TO THE CLERK A MICHIGAN OPERATOR'S OR
 5 CHAUFFEUR'S LICENSE, DEPARTMENT OF STATE ISSUED PERSONAL
 6 IDENTIFICATION CARD, OTHER GOVERNMENT ISSUED PHOTO IDENTIFICATION
 7 CARD, OR A PHOTO IDENTIFICATION CARD ISSUED BY AN INSTITUTION OF
 8 HIGHER EDUCATION IN THIS STATE DESCRIBED IN SECTION 6 OF ARTICLE
 9 VIII OF THE STATE CONSTITUTION OF 1963 OR A JUNIOR COLLEGE OR
 10 COMMUNITY COLLEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF
 11 THE STATE CONSTITUTION OF 1963 TO ESTABLISH HIS OR HER IDENTITY.
 12 THE INSTRUCTIONS FOR AN ABSENT VOTER AS SET FORTH IN SECTION 764A
 13 SHALL BE INCLUDED WITH EACH BALLOT FURNISHED TO AN ABSENT VOTER
 14 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 A
25 PRIMARY OR ELECTION, A QUALIFIED AND REGISTERED VOTER MAY APPLY AND
26 VOTE PURSUANT TO THIS SECTION AT THE COUNTY CLERK'S OFFICE.

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

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

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

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

25 (4) A clerk who receives a request from an absent voter under
26 section 764a for assistance in returning his or her absent voter
27 ballot shall make arrangements to collect the ballot from the voter

1 either personally or by sending an authorized assistant, if all of
2 the following conditions are satisfied:

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

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

9 (c) The absent voter telephones the appropriate clerk for
10 assistance on or before 5 p.m. on the Friday immediately preceding
11 the election.

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

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

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

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

27 (6) The clerk shall maintain a list open to the public that

1 contains the names and addresses of all authorized assistants
2 appointed under this section who are available to collect absent
3 voter ballots on or before election day in that city or township.

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