

HOUSE BILL No. 5084

August 10, 2005, Introduced by Reps. Lemmons, III and Lemmons, Jr. and referred to the Committee on House Oversight, Elections, and Ethics.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) The clerk of a city, township, or village ~~may~~ **SHALL**
5 accept delivery of absent voter ballots at any location in the
6 city, township, or village. **IF AN ABSENT VOTER BALLOT IS DELIVERED**
7 **BY UNITED STATES MAIL, PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE,**
8 **PARCEL POST SERVICE, OR COMMON CARRIER, THE CLERK OF THE CITY,**
9 **TOWNSHIP, OR VILLAGE SHALL ACCEPT DELIVERY OF THE ABSENT VOTER**

1 **BALLOT EVEN IF THE VOTER HAS PLACED INSUFFICIENT POSTAGE ON THE**
2 **RETURN ENVELOPE.**

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

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

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

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

5 (c) The absent voter telephones the appropriate clerk for
6 assistance on or before 5 p.m. on the Friday immediately ~~preceding~~
7 **BEFORE** the election.

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

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

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

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

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

27 (7) An absent voter ballot received by the clerk before the

1 close of the polls on election day shall not be invalidated solely
2 because the delivery to the clerk was not in compliance with
3 section 764a or this section, however the ballot shall be
4 considered challenged and shall be marked and processed as provided
5 in section 745.