SENATE BILL No. 818

October 19, 2005, Introduced by Senators CLARK-COLEMAN, BRATER, SCOTT, JACOBS, THOMAS, SWITALSKI, CLARKE, CHERRY, PRUSI, BASHAM, SCHAUER, LELAND, OLSHOVE, EMERSON, BARCIA and BERNERO and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 759 (MCL 168.759), as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) At any time during the 75 days before a primary
2 or special primary, but not later than 2 p.m. of the Saturday
3 immediately before the primary or special primary, an elector who
4 qualifies to vote as an absent voter, as defined in section 758,
5 may apply for an absent voter ballot. The elector shall apply in
6 person or by mail with the clerk of the township, city, or village
7 in which the elector is registered. An application received before
8 a primary or special primary may be for either that primary only,
9 or for that primary and the election that follows.

04637'05   STM

1   (2) Except as otherwise provided in subsection (1), at any

2 time during the 75 days before an election, but not later than 2

3 p.m. of the Saturday before the election, an elector who qualifies

4 to vote as an absent voter, as defined in section 758, may apply

5 for an absent voter ballot. The elector shall apply in person or by

6 mail with the clerk of the township, city, or village in which the

7 voter is registered.

8   (3) An application for an absent voter ballot under this

9 section may be made in any of the following ways:

10   (a) By a written request signed by the voter stating the

11 statutory grounds for making the application.

12   (b) On an absent voter ballot application form provided for

13 that purpose by the clerk of the city, township, or village.

14   (c) On a federal postcard application.

15   (4) An applicant for an absent voter ballot shall sign the

16 application. A clerk or assistant clerk shall not deliver an absent

17 voter ballot to an applicant who does not sign the application. A

18 person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT**

19 **VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the

20 applicant's immediate family; a person residing in the applicant's

21 household; a person whose job normally includes the handling of

22 mail, but only during the course of his or her employment; a

23 registered elector requested by the applicant **TO RETURN THE**

24 **APPLICATION**; or a clerk, assistant of the clerk, or other

25 authorized election official. ~~shall not be in possession of a~~

26 ~~signed absent voter ballot application.~~ A registered elector who

27 is requested by the applicant to return his or her absent voter

1 ballot application shall sign the certificate on the absent voter

2 ballot application.

3 (5) The clerk of the city, township, or village shall have

4 absent voter ballot application forms available in the **CLERK'S**

5 office ~~of the clerk~~ at all times and shall furnish an absent

6 voter ballot application form to anyone upon a verbal or written

7 request. **IN ADDITION, THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE**

8 **MAY FORWARD AN ABSENT VOTER BALLOT APPLICATION FORM TO AN ELECTOR**

9 **WHO QUALIFIES TO VOTE AS AN ABSENT VOTER AS DEFINED IN SECTION 758,**

10 **EVEN IF THE ELECTOR HAS NOT REQUESTED AN ABSENT VOTER BALLOT**

11 **APPLICATION FORM UNDER THIS SECTION.** The absent voter ballot

12 application shall be in substantially the following form:

13 "Application for absent voter ballot for:

14 [] The primary or special primary election to be held on

15 ~~....., 19...~~ _____ **(DATE).**

16 [] The election to be held on ~~....., 19..~~ _____ **(DATE).**

17 (Check applicable election or elections)

18 I, ... , a qualified and registered elector of the

19 ..... precinct of the township of .... or village of

20 .... or of the .... ward of the city of .... , in

21 the county of .... and state of Michigan, apply for an

22 official ballot, or ballots, to be voted by me at the election or

23 elections as requested in this application.

24 The statutory grounds on which I base my request are:

25 [] I expect to be absent from the community in which I am

26 registered for the entire time the polls are open on election day.

27 [] I am physically unable to attend the polls without the

1   assistance of another.

2   [] I cannot attend the polls because of the tenets of my

3   religion.

4   [] I have been appointed an election precinct inspector in a

5   precinct other than the precinct where I reside.

6   [] I am 60 years of age or older.

7   [] I cannot attend the polls because I am confined to jail

8   awaiting arraignment or trial.

9   (Check applicable reason)

10   Send absent voter ballot to me at:

11   ....

12   (Street No. or R.R.)

13   ....

14   (Post Office)   (State) **(ZIP CODE)**

15   My registered address.................................

16   (Street No. or R.R.)

17   ....

18   (Post Office)   (State) **(ZIP CODE)**

19   Date ....

20   I ~~declare~~ **CERTIFY** that the statements in this absent voter

21   ballot application are true.

22   ....

23   (Signature)

24   <u>WARNING</u>

25   A person making a false statement in this absent voter ballot

26   application is guilty of a misdemeanor. It is a violation of

27   Michigan election law for a person other than those listed in the

1 instructions to return, offer to return, agree to return, or

2 solicit to return your absent voter ballot application to the

3 clerk. An assistant authorized by the clerk who receives absent

4 voter ballot applications at a location other than the **CLERK'S**

5 office ~~of the clerk~~ must have credentials signed by the clerk.

6 Ask to see his or her credentials before entrusting your

7 application with a person claiming to have the clerk's

8 authorization to return your application.

9   Certificate of Authorized Registered

10   Elector Returning Absent Voter

11   Ballot Application

12   I certify that my name is ...., my address is

13 ...., and my date of birth is ....; that I

14 am delivering the absent voter ballot application of

15 .... at his or her request; that I did not solicit

16 or request to return the application; that I have not made any

17 markings on the application; that I have not altered the

18 application in any way; that I have not influenced the applicant;

19 and that I am aware that a false statement in this certificate is a

20 violation of Michigan election law.

21   _____   _____

22   (Date)   (Signature)"

23   (6) The following instructions for an applicant for an absent

24 voter ballot shall be included with each application furnished an

25 applicant:

26   INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

1   Step 1. After completely filling out the application, sign and

2 date the application in the place designated. Your signature must

3 appear on the application or you will not receive an absent voter

4 ballot.

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

6   (a) Place the application in an envelope addressed to the

7 appropriate clerk and place the necessary postage upon the return

8 envelope and deposit it in the United States mail or with another

9 public postal service, express mail service, parcel post service,

10 or common carrier.

11   (b) Deliver the application personally to the **CLERK'S** office**,**

12 ~~of the clerk,~~ to the clerk, or to an authorized assistant of the

13 clerk.

14   (c) In either (a) or (b), a member of the immediate family of

15 the voter including a father-in-law, mother-in-law, brother-in-law,

16 sister-in-law, son-in-law, daughter-in-law, grandparent, or

17 grandchild or a person residing in the voter's household may mail

18 or deliver the application to the clerk for the applicant.

19   (d) ~~In the event~~ **IF** an applicant cannot return the

20 application in any of the above methods, the applicant may select

21 any registered elector to return the application. The person

22 returning the application must sign and return the certificate at

23 the bottom of the application.

24   (7) A person who prints and distributes absent voter ballot

25 applications shall print on the application the warning,

26 certificate of authorized registered elector returning absent voter

27 ballot application, and instructions required by this section.

1   (8) A person who makes a false statement in an absent voter

2 ballot application is guilty of a misdemeanor. A person who forges

3 a signature on an absent voter ballot application is guilty of a

4 felony. A person who is not authorized in this act and who both

5 distributes absent voter ballot applications to absent voters and

6 returns those absent voter ballot applications to a clerk or

7 assistant of the clerk is guilty of a misdemeanor.