

HOUSE BILL No. 4276

February 15, 2007, Introduced by Reps. Elsenheimer, Wenke, Rick Jones and Meadows and referred to the Committee on Ethics and Elections.

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

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

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

(a) By a written request signed by the voter stating the statutory grounds for making the application.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. **THE FAILURE OF AN APPLICANT TO PRINT HIS OR HER NAME IN THE LOCATION PRESCRIBED ON THE APPLICATION DOES NOT AFFECT THE VALIDITY OF THE APPLICATION. THE PRINTED NAME OF THE APPLICANT LOCATED IN THE SPACE PRESCRIBED ON THE APPLICATION FOR THE PRINTED NAME OF THE APPLICANT DOES NOT CONSTITUTE THE SIGNATURE OF THE APPLICANT.** A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. **A person ~~other than~~ SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his

1 or her employment; a registered elector requested by the
2 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the
3 clerk, or other authorized election official. ~~shall not be in~~
4 ~~possession of a signed absent voter ballot application.~~ A
5 registered elector who is requested by the applicant to return
6 his or her absent voter ballot application shall sign the
7 certificate on the absent voter ballot application.

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

18 (2) Except as otherwise provided in subsection (1), at
19 anytime during the 75 days before an election, but not later than
20 2 p.m. of the Saturday before the election, an elector who
21 qualifies to vote as an absent voter, as defined in section 758,
22 may apply for an absent voter ballot. The elector shall apply in
23 person or by mail with the clerk of the township, city, or
24 village in which the voter is registered.

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

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

1 statutory grounds for making the application.

2 (b) On an absent voter ballot application form provided for
3 that purpose by the clerk of the city, township, or village.

4 (c) On a federal postcard application.

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

19 (5) The clerk of the city, township, or village shall have
20 absent voter ballot application forms available in the **CLERK'S**
21 ~~office of the clerk~~ at all times and shall furnish an absent
22 voter ballot application form to anyone upon a verbal or written
23 request. The absent voter ballot application shall be in
24 substantially the following form:

25 "Application for absent voter ballot for:

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

27, 19.... (DATE) .

1 [] The election to be held on, 19... (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 ,
6 in 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 base 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
12 day.

13 [] I am physically unable to attend the polls without the
14 assistance of another.

15 [] I cannot attend the polls because of the tenets of my
16 religion.

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

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

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

22 (Check applicable reason)

23 Send absent voter ballot to me at:

24
25 (Street No. or R.R.)

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

My registered address
 (Street No. or R.R.)

.....
 (Post Office) (State) (ZIP CODE)

Date.....

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

.....
 (Signature)

SIGN: _____ PRINT: _____
 Signature of applicant Printed name of applicant

WARNING

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

Certificate of Authorized Registered
 Elector Returning Absent Voter
 Ballot Application

I certify that my name is, my address
 is, and my date of birth is

that I am delivering the absent voter ballot application of
 at his or her request; that I did not
 solicit or request to return the application; that I have not
 made any markings on the application; that I have not altered the
 application in any way; that I have not influenced the applicant;
 and that I am aware that a false statement in this certificate is
 a violation of Michigan election law.

8

9

(Date)_____
(Signature) "

(6) The following instructions for an applicant for an
 absent voter ballot shall be included with each application
 furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

(a) Place the application in an envelope addressed to the
 appropriate clerk and place the necessary postage upon the return
 envelope and deposit it in the United States mail or with another
 public postal service, express mail service, parcel post service,
 or common carrier.

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

1 office, ~~of the clerk,~~ to the clerk, or to an authorized assistant
2 of the clerk.

3 (c) In either (a) or (b), a member of the immediate family
4 of the voter including a father-in-law, mother-in-law, brother-
5 in-law, sister-in-law, son-in-law, daughter-in-law, grandparent,
6 or grandchild or a person residing in the voter's household may
7 mail or deliver the application to the clerk for the applicant.

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

13 (7) A person who prints and distributes absent voter ballot
14 applications shall print on the application the warning,
15 certificate of authorized registered elector returning absent
16 voter ballot application, and instructions required by this
17 section.

18 (8) A person who makes a false statement in an absent voter
19 ballot application is guilty of a misdemeanor. A person who
20 forges a signature on an absent voter ballot application is
21 guilty of a felony. A person who is not authorized in this act
22 and who both distributes absent voter ballot applications to
23 absent voters and returns those absent voter ballot applications
24 to a clerk or assistant of the clerk is guilty of a misdemeanor.