

SUBSTITUTE FOR  
HOUSE BILL NO. 5279

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759a (MCL 168.759a), as amended by 2006 PA 605.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 759a. (1) ~~A member of the armed services~~ **AN ABSENT**  
2 **UNIFORMED SERVICES VOTER** or an overseas voter who is not  
3 registered, but possessed the qualifications of an elector under  
4 section 492, may apply for registration by using the federal  
5 postcard application. The department of state, bureau of elections,  
6 is responsible for disseminating information on the procedures for  
7 registering and voting to **AN** absent ~~armed~~ **UNIFORMED** services **VOTER**  
8 and **AN** overseas ~~voters~~ **VOTER**.  
9 ~~— (2) Each of the following persons who is a qualified elector~~

~~of a city, village, or township in this state and who is not a registered voter may apply for an absent voter ballot:~~

~~—— (a) A civilian employee of the armed services outside of the United States.~~

~~—— (b) A member of the armed services outside of the United States.~~

~~—— (c) A citizen of the United States temporarily residing outside the territorial limits of the United States.~~

~~—— (d) A citizen of the United States residing in the District of Columbia.~~

(2) ~~(e)~~ UPON THE REQUEST OF AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, THE CLERK OF A COUNTY, CITY, TOWNSHIP, OR VILLAGE SHALL ELECTRONICALLY TRANSMIT A BLANK VOTER REGISTRATION APPLICATION OR BLANK ABSENT VOTER BALLOT APPLICATION TO THE VOTER. THE CLERK OF A COUNTY, CITY, TOWNSHIP, OR VILLAGE SHALL ACCEPT A COMPLETED VOTER REGISTRATION APPLICATION OR COMPLETED ABSENT VOTER BALLOT APPLICATION ELECTRONICALLY TRANSMITTED BY AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER. A VOTER REGISTRATION APPLICATION OR ABSENT VOTER BALLOT APPLICATION SUBMITTED BY AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER SHALL CONTAIN THE SIGNATURE OF THE VOTER.

(3) A spouse or dependent of ~~a person described in subdivisions (a) through (d)~~ **AN OVERSEAS VOTER** who is a citizen of the United States, ~~and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a city, village, or township of this state, if that spouse or dependent~~ **OVERSEAS VOTER, AND** is not a qualified and registered elector

1 anywhere else in the United States, **MAY APPLY FOR AN ABSENT VOTER**  
2 **BALLOT EVEN THOUGH THE SPOUSE OR DEPENDENT IS NOT A QUALIFIED**  
3 **ELECTOR OF A CITY OR TOWNSHIP OF THIS STATE.**

4 **(4) ~~(3)~~—AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS**  
5 **VOTER, WHETHER OR NOT REGISTERED TO VOTE, MAY APPLY FOR AN ABSENT**  
6 **VOTER BALLOT.** Upon receipt of an application **FOR AN ABSENT VOTER**  
7 **BALLOT** under this section that complies with this act, a **COUNTY,**  
8 city, village, or township clerk shall forward to the applicant the  
9 absent voter ballots requested, the forms necessary for  
10 registration, and instructions for completing the forms. If the  
11 ballots are not yet available at the time of receipt of the  
12 application, the clerk shall immediately forward to the applicant  
13 the registration forms and instructions, and forward the ballots as  
14 soon as they are available. **IF A FEDERAL POSTCARD APPLICATION IS**  
15 **FILED, THE CLERK SHALL ACCEPT THE FEDERAL POSTCARD APPLICATION AS**  
16 **THE REGISTRATION APPLICATION AND SHALL NOT SEND ANY ADDITIONAL**  
17 **REGISTRATION FORMS TO THE APPLICANT.** If the ballots and  
18 registration forms are received before the close of the polls on  
19 election day and if the registration complies with the requirements  
20 of this act, the absent voter ballots shall be delivered to the  
21 proper election board to be ~~voted~~ **TABULATED.** If the registration  
22 does not comply with the requirements of this act, the clerk shall  
23 retain the absent voter ballots until the expiration of the time  
24 that the voted ballots must be kept and shall then destroy the  
25 ballots without opening the envelope. The clerk may retain  
26 registration forms completed under this section in a separate file.  
27 The address in this state shown on a registration form is the

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1 residence of the registrant.

2 (5) NOT LATER THAN 45 DAYS BEFORE AN ELECTION, A COUNTY, CITY,  
3 TOWNSHIP, OR VILLAGE CLERK SHALL ELECTRONICALLY TRANSMIT OR MAIL AS  
4 APPROPRIATE AN ABSENT VOTER BALLOT TO EACH ABSENT UNIFORMED  
5 SERVICES VOTER OR OVERSEAS VOTER WHO APPLIED FOR AN ABSENT VOTER  
6 BALLOT 45 DAYS OR MORE BEFORE THE ELECTION.

7 (6) UPON THE REQUEST OF AN ABSENT UNIFORMED SERVICES VOTER OR  
8 OVERSEAS VOTER, THE CLERK OF A COUNTY, CITY, TOWNSHIP, OR VILLAGE  
9 SHALL ELECTRONICALLY TRANSMIT A BLANK ABSENT VOTER BALLOT TO THE  
10 VOTER. THE VOTER SHALL PRINT THE BLANK ABSENT VOTER BALLOT, MARK  
11 THE BALLOT, AND RETURN THE BALLOT [ ] TO THE APPROPRIATE CLERK [BY  
UNITED STATES MAIL OR WITH ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL  
SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER].

12 (7) THE SECRETARY OF STATE SHALL PRESCRIBE ELECTRONIC ABSENT  
13 VOTER BALLOT FORMATS AND ELECTRONIC ABSENT VOTER BALLOT  
14 TRANSMISSION METHODS. EACH COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK  
15 SHALL EMPLOY THE PRESCRIBED ELECTRONIC BALLOT FORMATS TO FULFILL AN  
16 ABSENT VOTER BALLOT REQUEST RECEIVED FROM AN ABSENT UNIFORMED  
17 SERVICES VOTER OR OVERSEAS VOTER WHO WISHES TO RECEIVE HIS OR HER  
18 ABSENT VOTER BALLOT THROUGH AN ELECTRONIC TRANSMISSION. THE  
19 SECRETARY OF STATE SHALL ESTABLISH PROCEDURES TO IMPLEMENT THE  
20 REQUIREMENTS IN THIS SECTION AND FOR THE PROCESSING OF A MARKED  
21 ABSENT VOTER BALLOT RETURNED BY AN ABSENT UNIFORMED SERVICES VOTER  
22 OR OVERSEAS VOTER WHO OBTAINED HIS OR HER ABSENT VOTER BALLOT  
23 THROUGH AN ELECTRONIC TRANSMISSION.

24 (8) THE SECRETARY OF STATE SHALL MODIFY THE PRINTED STATEMENT  
25 PROVIDED UNDER SECTION 761(4) AND THE ABSENT VOTER BALLOT  
26 INSTRUCTIONS PROVIDED UNDER SECTION 764A AS APPROPRIATE TO  
27 ACCOMMODATE THE PROCEDURES DEVELOPED FOR ELECTRONICALLY

1 TRANSMITTING AN ABSENT VOTER BALLOT TO AN ABSENT UNIFORMED SERVICES  
 2 VOTER OR OVERSEAS VOTER. A STATEMENT SHALL BE INCLUDED IN THE  
 3 CERTIFICATE SIGNED BY THE ABSENT VOTER WHO OBTAINED HIS OR HER  
 4 ABSENT VOTER BALLOT THROUGH AN ELECTRONIC TRANSMISSION THAT THE  
 5 SECRECY OF THE ABSENT VOTER BALLOT MAY BE COMPROMISED DURING THE  
 6 DUPLICATION PROCESS. THE ABSENT VOTER BALLOT INSTRUCTIONS PROVIDED  
 7 TO AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER SHALL  
 8 INCLUDE THE PROPER PROCEDURES FOR RETURNING THE ABSENT VOTER BALLOT  
 9 TO THE APPROPRIATE CLERK.

10 (9) ~~(4)~~ The size of a precinct shall not be determined by  
 11 registration forms completed under this section.

12 (10) ~~(5) A member of the armed services~~ **AN ABSENT UNIFORMED**  
 13 **SERVICES VOTER** or an overseas voter ~~, as described in subsection~~  
 14 ~~(2), who registers to vote by federal postcard application under~~  
 15 ~~subsection (1), and who applies to vote as an absent voter by~~  
 16 ~~federal postcard~~ **WHO SUBMITS AN ABSENT VOTER BALLOT** application is  
 17 eligible to vote as an absent voter in any local or state election  
 18 ~~, including any school election, occurring in the calendar year in~~  
 19 which the ~~federal postcard~~ **ABSENT VOTER BALLOT** application is  
 20 received by the **COUNTY**, city, village, or township clerk, but not  
 21 in an election for which the application is received by the clerk  
 22 after 2 p.m. of the Saturday before the election. A **COUNTY**, city,  
 23 or township clerk receiving a ~~federal postcard~~ **AN ABSENT VOTER**  
 24 **BALLOT** application **FROM AN ABSENT UNIFORMED SERVICES VOTER OR**  
 25 **OVERSEAS VOTER** shall transmit to a village clerk and **THE** school  
 26 district election ~~coordinator~~ **COORDINATORS**, where applicable, the  
 27 necessary information to enable the village clerk and school

1 district election ~~coordinator~~ **COORDINATORS** to forward an absent  
 2 voter ballot for each applicable election in that calendar year to  
 3 the ~~qualified elector submitting the federal postcard application~~  
 4 **ABSENT VOTER**. A village clerk receiving a ~~federal postcard~~ **AN**  
 5 **ABSENT VOTER BALLOT** application **FROM AN ABSENT UNIFORMED SERVICES**  
 6 **VOTER OR OVERSEAS VOTER** shall transmit to a ~~city or~~ **THE** township  
 7 clerk **AND THE SCHOOL DISTRICT ELECTION COORDINATORS**, where  
 8 applicable, the necessary information to enable the city or  
 9 township clerk **AND SCHOOL DISTRICT ELECTION COORDINATORS** to forward  
 10 an absent voter ballot for each applicable election in that  
 11 calendar year to the ~~qualified elector submitting the federal~~  
 12 ~~postcard application~~ **ABSENT VOTER**. If the local elections official  
 13 rejects a **VOTER** registration **APPLICATION** or absent voter ballot  
 14 application submitted ~~on a federal postcard application~~ by an  
 15 absent ~~armed~~ **UNIFORMED** services **VOTER** or overseas voter, the  
 16 election official shall notify the ~~armed services or overseas voter~~  
 17 of the rejection.

18 (11) **AN ELECTRONIC MAIL ADDRESS PROVIDED BY AN ABSENT**  
 19 **UNIFORMED SERVICES VOTER OR OVERSEAS VOTER FOR THE PURPOSES OF THIS**  
 20 **SECTION IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE**  
 21 **FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

22 (12) ~~(6)~~ Under the uniformed and overseas citizens absentee  
 23 voting act, 42 USC 1973ff to 1973ff-6, the state director of  
 24 elections shall approve a ballot form and registration procedures  
 25 for ~~electors in the armed services and electors outside the United~~  
 26 ~~States, including the spouses and dependents accompanying those~~  
 27 ~~electors~~ **ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.**

~~———— (7) As used in this section, "armed services" means any of the following:~~

~~———— (a) The United States army, navy, air force, marine corps, or coast guard.~~

~~———— (b) The United States merchant marine.~~

~~———— (c) A reserve component of an armed service listed in subdivision (a) or (b).~~

~~———— (d) The Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.~~

**(13) AS USED IN THIS SECTION:**

**(A) "ABSENT UNIFORMED SERVICES VOTER" MEANS ANY OF THE FOLLOWING:**

**(i) A MEMBER OF A UNIFORMED SERVICE ON ACTIVE DUTY WHO, BY REASON OF BEING ON ACTIVE DUTY, IS ABSENT FROM THE PLACE OF RESIDENCE WHERE THE MEMBER IS OTHERWISE QUALIFIED TO VOTE.**

**(ii) A MEMBER OF THE MERCHANT MARINE WHO, BY REASON OF SERVICE IN THE MERCHANT MARINE, IS ABSENT FROM THE PLACE OF RESIDENCE WHERE THE MEMBER IS OTHERWISE QUALIFIED TO VOTE.**

**(iii) A SPOUSE OR DEPENDENT OF A MEMBER REFERRED TO IN SUBPARAGRAPH (i) OR (ii) WHO, BY REASON OF THE ACTIVE DUTY OR SERVICE OF THE MEMBER, IS ABSENT FROM THE PLACE OF RESIDENCE WHERE THE SPOUSE OR DEPENDENT IS OTHERWISE QUALIFIED TO VOTE.**

**(B) "MEMBER OF THE MERCHANT MARINE" MEANS AN INDIVIDUAL, OTHER THAN A MEMBER OF A UNIFORMED SERVICE OR AN INDIVIDUAL EMPLOYED, ENROLLED, OR MAINTAINED ON THE GREAT LAKES OR THE INLAND WATERWAYS, WHO IS EITHER OF THE FOLLOWING:**

**(i) EMPLOYED AS AN OFFICER OR CREW MEMBER OF A VESSEL**

1 DOCUMENTED UNDER THE LAWS OF THE UNITED STATES, A VESSEL OWNED BY  
2 THE UNITED STATES, OR A VESSEL OF FOREIGN-FLAG REGISTRY UNDER  
3 CHARTER TO OR CONTROL OF THE UNITED STATES.

4 (ii) ENROLLED WITH THE UNITED STATES FOR EMPLOYMENT OR TRAINING  
5 FOR EMPLOYMENT, OR MAINTAINED BY THE UNITED STATES FOR EMERGENCY  
6 RELIEF SERVICE, AS AN OFFICER OR CREW MEMBER OF A VESSEL DOCUMENTED  
7 UNDER THE LAWS OF THE UNITED STATES, A VESSEL OWNED BY THE UNITED  
8 STATES, OR A VESSEL OF FOREIGN-FLAG REGISTRY UNDER CHARTER TO OR  
9 CONTROL OF THE UNITED STATES.

10 (C) "OVERSEAS VOTER" MEANS ANY OF THE FOLLOWING:

11 (i) AN ABSENT UNIFORMED SERVICES VOTER WHO, BY REASON OF ACTIVE  
12 DUTY OR SERVICE, IS ABSENT FROM THE UNITED STATES ON THE DATE OF AN  
13 ELECTION.

14 (ii) A PERSON WHO RESIDES OUTSIDE OF THE UNITED STATES AND IS  
15 QUALIFIED TO VOTE IN THE LAST PLACE IN WHICH THE PERSON WAS  
16 DOMICILED BEFORE LEAVING THE UNITED STATES.

17 (iii) A PERSON WHO RESIDES OUTSIDE OF THE UNITED STATES AND WHO,  
18 BUT FOR SUCH RESIDENCE OUTSIDE OF THE UNITED STATES, WOULD BE  
19 QUALIFIED TO VOTE IN THE LAST PLACE IN WHICH HE OR SHE WAS  
20 DOMICILED BEFORE LEAVING THE UNITED STATES.

21 (D) "UNIFORMED SERVICES" MEANS THE ARMY, NAVY, AIR FORCE,  
22 MARINE CORPS, COAST GUARD, THE COMMISSIONED CORPS OF THE PUBLIC  
23 HEALTH SERVICE, THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND  
24 ATMOSPHERIC ADMINISTRATION, A RESERVE COMPONENT OF A UNIFORMED  
25 SERVICE, OR THE MICHIGAN NATIONAL GUARD AS DEFINED IN SECTION 105  
26 OF THE MICHIGAN MILITARY ACT, 1967 PA 150, MCL 32.505.

27 (14) THIS SECTION APPLIES TO THE AUGUST 3, 2010 ELECTION AND

1 TO EACH SUCCEEDING ELECTION CONDUCTED IN THIS STATE.

2 Enacting section 1. This amendatory act takes effect June 1,  
3 2010.