

HOUSE BILL No. 5279

August 26, 2009, Introduced by Reps. Gregory, Robert Jones, Stanley, Lipton, LeBlanc, Haugh, Ebli, Byrnes, Pearce, Johnson, Roy Schmidt, Huckleberry, Byrum, Bauer, Polidori, Hammel, Corriveau, Leland, Barnett, Knollenberg, Dean, Switalski, Jackson, Angerer, Coulouris, Miller, Liss, Agema, Crawford, Melton, Lisa Brown and Nathan and referred to the Committee on Ethics and Elections.

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 or an overseas
2 voter who is not registered, but possessed the qualifications of an
3 elector under section 492, may apply for registration by using the
4 federal postcard application. The department of state, bureau of
5 elections, is responsible for disseminating information on the
6 procedures for registering and voting to absent armed services and
7 overseas voters.

8 (2) Each of the following persons who is a qualified elector
9 of a city, village, or township in this state and who is not a

1 registered voter may apply for an absent voter ballot:

2 (a) A civilian employee of the armed services outside of the
3 United States.

4 (b) A member of the armed services outside of the United
5 States.

6 (c) A citizen of the United States temporarily residing
7 outside the territorial limits of the United States.

8 (d) A citizen of the United States residing in the District of
9 Columbia.

10 (e) A spouse or dependent of a person described in
11 subdivisions (a) through (d) who is a citizen of the United States
12 and who is accompanying that person, even though the spouse or
13 dependent is not a qualified elector of a city, village, or
14 township of this state, if that spouse or dependent is not a
15 qualified and registered elector anywhere else in the United
16 States.

17 (3) Upon receipt of an application under this section that
18 complies with this act, **AND SUBJECT TO SUBSECTION (4)**, a city,
19 village, or township clerk shall forward to the applicant the
20 absent voter ballots requested, the forms necessary for
21 registration, and instructions for completing the forms. If the
22 ballots are not yet available at the time of receipt of the
23 application, the clerk shall immediately forward to the applicant
24 the registration forms and instructions, and forward the ballots as
25 soon as they are available. If the ballots and registration forms
26 are received before the close of the polls on election day and if
27 the registration complies with the requirements of this act, the

absent voter ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(4) THE SECRETARY OF STATE MAY PROMULGATE RULES TO DO ALL OF THE FOLLOWING:

(A) ALLOW A COUNTY, CITY, VILLAGE, OR TOWNSHIP CLERK TO TRANSMIT AN ABSENT VOTER BALLOT BY ELECTRONIC MAIL TO AN APPLICANT WHO IS A MEMBER OF THE ARMED SERVICES OR AN OVERSEAS VOTER. THE ABSENT VOTER BALLOT SHALL BE TRANSMITTED TO AN ELECTRONIC MAIL ADDRESS PROVIDED BY THE APPLICANT.

(B) PROVIDE PROCEDURES FOR HOW AN ABSENT VOTER BALLOT TRANSMITTED BY ELECTRONIC MAIL TO A MEMBER OF THE ARMED SERVICES OR AN OVERSEAS VOTER PURSUANT TO SUBDIVISION (A) IS TO BE RETURNED TO THE COUNTY, CITY, VILLAGE, OR TOWNSHIP CLERK.

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

(6) ~~(5)~~—A member of the armed services or an overseas voter, as described in subsection (2), who registers to vote by federal postcard application under subsection (1), and who applies to vote as an absent voter by federal postcard application is eligible to vote as an absent voter in any local or state election, including any school election, occurring in the calendar year in which the

1 federal postcard application is received by the city, village, or
2 township clerk, but not in an election for which the application is
3 received by the clerk after 2 p.m. of the Saturday before the
4 election. A city or township clerk receiving a federal postcard
5 application shall transmit to a village clerk and school district
6 election coordinator, where applicable, the necessary information
7 to enable the village clerk and school district election
8 coordinator to forward an absent voter ballot for each applicable
9 election in that calendar year to the qualified elector submitting
10 the federal postcard application. A village clerk receiving a
11 federal postcard application shall transmit to a city or township
12 clerk, where applicable, the necessary information to enable the
13 city or township clerk to forward an absent voter ballot for each
14 applicable election in that calendar year to the qualified elector
15 submitting the federal postcard application. If the local elections
16 official rejects a registration or absent voter ballot application
17 submitted on a federal postcard application by an absent armed
18 services or overseas voter, the election official shall notify the
19 armed services or overseas voter of the rejection.

20 (7) ~~(6)~~—Under the uniformed and overseas citizens absentee
21 voting act, 42 USC 1973ff to 1973ff-6, the state director of
22 elections shall approve a ballot form and registration procedures
23 for electors in the armed services and electors outside the United
24 States, including the spouses and dependents accompanying those
25 electors.

26 (8) ~~(7)~~—As used in this section, "armed services" means any of
27 the following:

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

3 (b) The United States merchant marine.

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

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