

HOUSE BILL No. 5060

October 12, 2011, Introduced by Reps. Denby, Kowall and Jacobsen and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 758 and 759 (MCL 168.758 and 168.759),
section 758 as amended by 1996 PA 207 and section 759 as amended
by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 758. (1) For the purposes of this act, "absent voter"
2 means a qualified and registered elector who meets 1 or more of
3 the following requirements:

4 (a) On account of physical disability, cannot without
5 another's assistance attend the polls on the day of an election.

6 (b) On account of the tenets of his or her religion, cannot
7 attend the polls on the day of election.

1 (c) Cannot attend the polls on the day of an election in the
2 precinct in which he or she resides because of being an election
3 precinct inspector in another precinct.

4 (d) Is 60 years of age or older.

5 (e) Is absent or expects to be absent from the township or
6 city in which he or she resides during the entire period the
7 polls are open for voting on the day of an election.

8 (f) Cannot attend the polls on election day because of being
9 confined in jail awaiting arraignment or trial.

10 **(G) APPLIES FOR AN ABSENT VOTER BALLOT IN PERSON WITH THE**
11 **CLERK OF THE TOWNSHIP, CITY, OR VILLAGE IN WHICH HE OR SHE IS**
12 **REGISTERED, AND HE OR SHE IDENTIFIES HIMSELF OR HERSELF TO THE**
13 **CLERK BY PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED**
14 **TO THAT ELECTOR UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN**
15 **OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO THAT ELECTOR UNDER**
16 **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR**
17 **OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD.**

18 (2) Subsection (1) does not apply to a person who has moved
19 outside of this state, regardless of length of his or her
20 residence outside of this state, and who no longer maintains an
21 actual residence in this state. The storage of personal effects
22 or household goods, the ownership of property that is rented or
23 leased to others, or occasional brief visits to a former domicile
24 in this state while residing outside of this state for most of
25 the year ~~does~~ **DO** not constitute a residence for voting purposes
26 in this state, except for each of the following:

27 (a) A person described in section 1 of article II of the

1 state constitution of 1963 and statutes enacted under that
2 section.

3 (b) A person described in section 759a.

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

14 (2) Except as otherwise provided in subsection (1), at
15 anytime during the 75 days before an election, but not later than
16 2 p.m. of the Saturday before the election, an elector who
17 qualifies to vote as an absent voter, as defined in section 758,
18 may apply for an absent voter ballot. The elector shall apply in
19 person or, **SUBJECT TO SECTION 758(1)(G)**, by mail with the clerk
20 of the township, city, or village in which the voter is
21 registered.

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

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

26 (b) On an absent voter ballot application form provided for
27 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. 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 or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application. A~~ registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

[] The primary or special primary election to be held on
, 19.... [DATE] .

[] The election to be held on, 19....
 [DATE] .

1 (Check applicable election or elections)

2 I, , a qualified and
 3 registered elector of the precinct of the township
 4 of or village of or of the
 5 ward of the city of , in the
 6 county of and state of
 7 Michigan, apply for an official ballot, or ballots, to be voted
 8 by me at the election or elections as requested in this
 9 application.

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

11 [] I expect to be absent from the community in which I am
 12 registered for the entire time the polls are open on election
 13 day.

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

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

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

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

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

23 [] I AM APPLYING FOR AN ABSENT VOTER BALLOT IN PERSON WITH
 24 THE CLERK OF THE TOWNSHIP, CITY, OR VILLAGE IN WHICH I AM
 25 REGISTERED, AND I AM IDENTIFYING MYSELF TO THE CLERK BY
 26 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD, AN OPERATOR'S
 27 OR CHAUFFEUR'S LICENSE, OR OTHER GENERALLY RECOGNIZED PICTURE

1 **IDENTIFICATION CARD.**

2 (Check applicable reason)

3 Send absent voter ballot to me at:

4
5 (Street No. or R.R.)

6
7 (Post Office) (State) (**ZIP CODE**)

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

10
11 (Post Office) (State) (**ZIP CODE**)

12 Date.....

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

15
16 (Signature)

17 **WARNING**

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

13 _____
14 (Date) (Signature) "

18 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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23     Step 2. Deliver the application by 1 of the following
24 methods:
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1 (a) ~~Place~~**SUBJECT TO (E), PLACE** the application in an
2 envelope addressed to the appropriate clerk and place the
3 necessary postage upon the return envelope and deposit it in the
4 United States mail or with another public postal service, express
5 mail service, parcel post service, or common carrier.

6 (b) Deliver the application personally to the office of the
7 clerk, to the clerk, or to an authorized assistant of the clerk.

8 (c) ~~In~~**SUBJECT TO (E), IN** either (a) or (b), a member of the
9 immediate family of the voter including a father-in-law, mother-
10 in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-
11 law, grandparent, or grandchild or a person residing in the
12 voter's household may mail or deliver the application to the
13 clerk for the applicant.

14 (d) ~~In the event~~**SUBJECT TO (E), IF** an applicant cannot
15 return the application in any of the above methods, the applicant
16 may select any registered elector to return the application. The
17 person returning the application must sign and return the
18 certificate at the bottom of the application.

19 **(E) IF AN APPLICANT IS REQUIRED TO PRESENT AN OFFICIAL STATE**
20 **IDENTIFICATION CARD, AN OPERATOR'S OR CHAUFFEUR'S LICENSE, OR**
21 **OTHER GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD TO THE**
22 **TOWNSHIP, CITY, OR VILLAGE CLERK, THAT APPLICANT SHALL PERSONALLY**
23 **DELIVER HIS OR HER APPLICATION TO THE CLERK.**

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
27 voter ballot application, and instructions required by this

1 section.

2 (8) A person who makes a false statement in an absent voter
3 ballot application is guilty of a misdemeanor. A person who
4 forges a signature on an absent voter ballot application is
5 guilty of a felony. A person who is not authorized in this act
6 and who both distributes absent voter ballot applications to
7 absent voters and returns those absent voter ballot applications
8 to a clerk or assistant of the clerk is guilty of a misdemeanor.