

HOUSE BILL No. 5061

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

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 761 (MCL 168.761), as amended by 2005 PA 71,
and by adding sections 38 and 764c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 38. (1) THE SECRETARY OF STATE SHALL DEVELOP AN
2 INFORMATION DISPLAY THAT EXPLAINS BALLOT COACHING AND THAT
3 INDICATES THAT BALLOT COACHING IS PROHIBITED.

4 (2) THE SECRETARY OF STATE SHALL PROVIDE TO EACH RESIDENTIAL
5 CARE FACILITY IN THIS STATE AT LEAST 1 INFORMATION DISPLAY AS
6 DESCRIBED IN SUBSECTION (1).

(3) THE OWNER, OPERATOR, OR FACILITY DIRECTOR OF A RESIDENTIAL CARE FACILITY SHALL POST THE INFORMATION DISPLAY PROVIDED BY THE SECRETARY OF STATE IN A CONSPICUOUS PLACE IN THE RESIDENTIAL CARE FACILITY. IN ADDITION, THE OWNER, OPERATOR, OR FACILITY DIRECTOR OF A RESIDENTIAL CARE FACILITY SHALL PROVIDE WRITTEN ACKNOWLEDGEMENT TO THE SECRETARY OF STATE THAT THE INFORMATION DISPLAY PROVIDED BY THE SECRETARY OF STATE IS POSTED IN A CONSPICUOUS PLACE IN THE RESIDENTIAL CARE FACILITY.

(4) AS USED IN THIS SECTION:

(A) "HOME FOR THE AGED" MEANS THAT TERM AS DEFINED IN SECTION 20106 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20106.

(B) "NURSING HOME" MEANS THAT TERM AS DEFINED IN SECTION 20109 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20109.

(C) "RESIDENTIAL CARE FACILITY" INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

(i) HOME FOR THE AGED.

(ii) NURSING HOME.

Sec. 761. (1) If the clerk of a city, township, or village receives an application for an absent voter ballot from a person registered to vote in that city, township, or village and if the signature on the application agrees with the signature for the person contained in the qualified voter file or on the registration card as required in subsection (2), the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall

forward by mail, postage prepaid, or shall deliver personally 1
of the ballots or set of ballots if there is more than 1 kind of 2
ballot to be voted to the applicant. ~~Absent~~**SUBJECT TO THE** 3
IDENTIFICATION REQUIREMENT IN SUBSECTION (6), ABSENT voter 4
ballots may be delivered to an applicant in person at the office 5
of the clerk. 6

(2) The qualified voter file shall be used to determine the 7
genuineness of a signature on an application for an absent voter 8
ballot. Signature comparisons shall be made with the digitized 9
signature in the qualified voter file. If the qualified voter 10
file does not contain a digitized signature of an elector, or is 11
not accessible to the clerk, the city or township clerk shall 12
compare the signature appearing on the application for an absent 13
voter ballot to the signature contained on the master card. 14

(3) Notwithstanding section 759, providing that no absent 15
voter applications shall be received by the clerk after 2 p.m. on 16
the Saturday before the election, **AND SUBJECT TO THE** 17
IDENTIFICATION REQUIREMENT IN SUBSECTION (6), a person qualified 18
to vote as an absent voter may apply in person at the clerk's 19
office before 4 p.m. on a day ~~preceding~~**BEFORE** the election 20
except Sunday or a legal holiday to vote as an absent voter. The 21
applicant shall receive his or her absent voter ballot and vote 22
the ballot in the clerk's office. All other absent voter ballots, 23
except ballots delivered pursuant to an emergency absent voter 24
ballot application under section 759b, shall be mailed or 25
delivered to the registration address of the applicant unless the 26
application requests delivery to an address outside the city, 27

(4) Absent voter ballots shall be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued shall bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

21 BY THE CLERK

26	Ward	Precinct	Date of Election
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27 =====

28 TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a qualified and registered elector of the city, township, or village named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: _____ SIGN HERE: X _____
Signature of Absent Voter

The above form must be signed or your vote will not be counted.

AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

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TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

Signature of Person Assisting Voter	Street Address or R.R.	City, Twp., or Village
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1 Printed Name of Person Assisting Voter

2 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A
3 FALSE STATEMENT IS GUILTY OF A FELONY.

4 =====

5 WARNING

6 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
7 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
8 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
9 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
10 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
11 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
12 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
13 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
14 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
15 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
16 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
17 VOTER BALLOT IS GUILTY OF A FELONY.

18 (5) An absent voter who knowingly makes a false statement on
19 the absent voter ballot return envelope is guilty of a
20 misdemeanor. A person who assists an absent voter and who
21 knowingly makes a false statement on the absent voter ballot
22 return envelope is guilty of a felony.

23 (6) IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN
24 PERSON FROM THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH
25 HE OR SHE IS REGISTERED, THE CLERK OF THE CITY, TOWNSHIP, OR
26 VILLAGE SHALL NOT PROVIDE AN ABSENT VOTER BALLOT TO THAT ELECTOR
27 UNTIL THE ELECTOR IDENTIFIES HIMSELF OR HERSELF TO THE CLERK BY

1 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT
2 ELECTOR UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR
3 CHAUFFEUR'S LICENSE ISSUED TO THAT ELECTOR UNDER THE MICHIGAN
4 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER
5 GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD. IF AN ELECTOR
6 DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD, OPERATOR'S
7 OR CHAUFFEUR'S LICENSE, OR OTHER GENERALLY RECOGNIZED PICTURE
8 IDENTIFICATION CARD, THE ELECTOR MAY SIGN AN AFFIDAVIT TO THAT
9 EFFECT BEFORE THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE AND BE
10 ALLOWED TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM
11 THE CLERK. HOWEVER, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER
12 BALLOT IN PERSON FROM THE CLERK AND VOTES BY ABSENT VOTER BALLOT
13 WITHOUT PROVIDING THE IDENTIFICATION REQUIRED UNDER THIS
14 SUBSECTION, THE ABSENT VOTER BALLOT OF THAT ELECTOR SHALL BE
15 PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN SECTION 727.

16 SEC. 764C. IF A CITY, TOWNSHIP, OR VILLAGE HAS ACCESS TO THE
17 BALLOT TRACKER PROGRAM PROVIDED BY THE STATE, THE CLERK OF THAT
18 CITY, TOWNSHIP, OR VILLAGE SHALL UTILIZE THE BALLOT TRACKER
19 PROGRAM AND ALLOW VOTERS TO TRACK THEIR ABSENT VOTER BALLOTS
20 ONLINE.