

HOUSE BILL No. 5635

June 4, 2014, Introduced by Reps. Knezek and Roberts and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759a. (1) An absent uniformed services voter or an
2 overseas voter who is not registered, but possessed the
3 qualifications of an elector under section 492, may apply for
4 registration by using the federal postcard application. The
5 department of state, bureau of elections, is responsible for
6 disseminating information on the procedures for registering and
7 voting to an absent uniformed services voter and an overseas voter.

8 (2) Upon the request of an absent uniformed services voter or
9 an overseas voter, the clerk of a county, city, township, or
10 village shall electronically transmit a blank voter registration

1 application or blank absent voter ballot application to the voter.
2 The clerk of a county, city, township, or village shall accept a
3 completed voter registration application or completed absent voter
4 ballot application electronically transmitted by an absent
5 uniformed services voter or overseas voter. A voter registration
6 application or absent voter ballot application submitted by an
7 absent uniformed services voter or overseas voter shall contain the
8 signature of the voter.

9 (3) A spouse or dependent of an overseas voter who is a
10 citizen of the United States, is accompanying that overseas voter,
11 and is not a qualified and registered elector anywhere else in the
12 United States, may apply for an absent voter ballot even though the
13 spouse or dependent is not a qualified elector of a city or
14 township of this state.

15 (4) An absent uniformed services voter or an overseas voter,
16 whether or not registered to vote, may apply for an absent voter
17 ballot. Upon receipt of an application for an absent voter ballot
18 under this section that complies with this act, a county, 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 a federal postcard application or an
26 application from the official United States department of defense
27 website is filed, the clerk shall accept the federal postcard

1 application or the application from the official United States
2 department of defense website as the registration application and
3 shall not send any additional registration forms to the applicant.
4 If the ballots and registration forms are received before the close
5 of the polls on election day and if the registration complies with
6 the requirements of this act, the absent voter ballots shall be
7 delivered to the proper election board to be tabulated. If the
8 registration does not comply with the requirements of this act, the
9 clerk shall retain the absent voter ballots until the expiration of
10 the time that the voted ballots must be kept and shall then destroy
11 the ballots without opening the envelope. The clerk may retain
12 registration forms completed under this section in a separate file.
13 The address in this state shown on a registration form is the
14 residence of the registrant.

15 (5) Not later than 45 days before an election, a county, city,
16 township, or village clerk shall electronically transmit or mail as
17 appropriate an absent voter ballot to each absent uniformed
18 services voter or overseas voter who applied for an absent voter
19 ballot 45 days or more before the election.

20 (6) Upon the request of an absent uniformed services voter or
21 overseas voter, the clerk of a county, city, township, or village
22 shall electronically transmit an absent voter ballot to the voter.
23 The voter ~~shall~~**MAY** print the absent voter ballot and return the
24 voted ballot by mail to the appropriate clerk **OR RETURN THE VOTED**
25 **BALLOT ELECTRONICALLY TO THE APPROPRIATE CLERK.**

26 (7) The secretary of state shall prescribe electronic absent
27 voter ballot formats and electronic absent voter ballot

1 transmission methods. Each county, city, township, or village clerk
2 shall employ the prescribed electronic ballot formats to fulfill an
3 absent voter ballot request received from an absent uniformed
4 services voter or overseas voter who wishes to receive his or her
5 absent voter ballot through an electronic transmission. The
6 secretary of state shall establish procedures to implement the
7 requirements in this section and for the processing of a marked
8 absent voter ballot returned by an absent uniformed services voter
9 or overseas voter who obtained his or her absent voter ballot
10 through an electronic transmission.

11 (8) The secretary of state shall modify the printed statement
12 provided under section 761(4) and the absent voter ballot
13 instructions provided under section 764a as appropriate to
14 accommodate the procedures developed for electronically
15 transmitting an absent voter ballot to **AND ELECTRONICALLY RECEIVING**
16 **AN ABSENT VOTER BALLOT FROM** an absent uniformed services voter or
17 overseas voter. A statement shall be included in the certificate
18 signed by the absent voter who obtained his or her absent voter
19 ballot through an electronic transmission that the secrecy of the
20 absent voter ballot may be compromised during the duplication
21 process. The absent voter ballot instructions provided to an absent
22 uniformed services voter or overseas voter shall include the proper
23 procedures for returning the absent voter ballot to the appropriate
24 clerk.

25 (9) The size of a precinct shall not be determined by
26 registration forms completed under this section.

27 (10) An absent uniformed services voter or an overseas voter

1 who submits an absent voter ballot application is eligible to vote
2 as an absent voter in any local, state, or federal election
3 occurring in the calendar year in which the election is held for
4 that ballot requested if the absent voter ballot application is
5 received by the county, city, village, or township clerk not later
6 than 2 p.m. of the Saturday before the election. A county, city, or
7 township clerk receiving an absent voter ballot application from an
8 absent uniformed services voter or overseas voter shall transmit to
9 a village clerk and the school district election coordinators,
10 where applicable, the necessary information to enable the village
11 clerk and school district election coordinators to forward an
12 absent voter ballot for each applicable election in that calendar
13 year to the absent voter. A village clerk receiving an absent voter
14 ballot application from an absent uniformed services voter or
15 overseas voter shall transmit to the township clerk and the school
16 district election coordinators, where applicable, the necessary
17 information to enable the city or township clerk and school
18 district election coordinators to forward an absent voter ballot
19 for each applicable election in that calendar year to the absent
20 voter. If the local elections official rejects a voter registration
21 application or absent voter ballot application submitted by an
22 absent uniformed services voter or overseas voter, the election
23 official shall notify the voter of the rejection.

24 (11) An electronic mail address provided by an absent
25 uniformed services voter or overseas voter for the purposes of this
26 section is confidential and exempt from disclosure under the
27 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

1 (12) Under the uniformed and overseas citizens absentee voting
2 act, the state director of elections shall approve a ballot form
3 and registration procedures for absent uniformed services voters
4 and overseas voters.

5 (13) An absent uniformed services voter or an overseas voter
6 may use the federal write-in absentee ballot, in accordance with
7 the provisions of the uniformed and overseas citizens absentee
8 voting act, at a regular election or special election to vote for a
9 local, state, or federal office or on a ballot question. An absent
10 uniformed services voter or an overseas voter who uses the federal
11 write-in absentee ballot ~~shall~~ **MAY** return his or her voted federal
12 write-in absentee ballot **ELECTRONICALLY OR** by mail to the
13 appropriate clerk. The state bureau of elections shall do both of
14 the following:

15 (a) Make the ballot format for each election available to
16 absent uniformed services voters and overseas voters by electronic
17 mail or on an internet website maintained by the department of
18 state.

19 (b) Make the ballot information, including the offices, names
20 of candidates, and ballot proposals, for each election available to
21 absent uniformed services voters and overseas voters on an internet
22 website maintained by the department of state.

23 (14) The clerk of a city, village, or township shall submit to
24 the county clerk of the county in which that city, village, or
25 township is located a written statement no later than 45 days
26 before each election indicating whether absent voter ballots were
27 issued to absent uniformed services voters or overseas voters in

1 compliance with this section and the uniformed and overseas
2 citizens absentee voting act. The city, village, or township clerk
3 shall provide to the county clerk a written explanation describing
4 remedial actions taken by the city, village, or township clerk if
5 the city, village, or township clerk fails to comply with this
6 section and the uniformed and overseas citizens absentee voting
7 act. Not later than 42 days before each election, each county clerk
8 shall submit to the state bureau of elections a written report
9 compiled from the written statements submitted by the city,
10 village, and township clerks. The written report shall identify the
11 cities, villages, and townships that complied with the 45-day
12 deadline under this subsection, the cities, villages, and townships
13 that did not comply with the 45-day deadline under this subsection,
14 but provided a written explanation, and those cities, villages, and
15 townships that did not comply with the 45-day deadline under this
16 subsection and that did not provide a written explanation. The
17 state bureau of elections may require the clerk of a city, village,
18 or township that did not comply with the 45-day deadline under this
19 subsection, but provided a written explanation, to provide
20 additional information. The state bureau of elections shall require
21 the clerk of a city, village, or township that did not comply with
22 the 45-day deadline and that did not provide a written explanation
23 to file a written explanation, describing the remedial actions
24 taken by the city, village, or township clerk, within 1 business
25 day after the state bureau of elections notifies the clerk of that
26 city, village, or township.

27 (15) For a presidential primary election, the secretary of

1 state shall prescribe procedures for contacting an elector who is
2 an absent uniformed services voter or an overseas voter, as
3 described in this section, and who is eligible to receive an absent
4 voter ballot or who applies for an absent voter ballot for the
5 presidential primary election, offering the elector the opportunity
6 to select a political party ballot for the presidential primary
7 election.

8 (16) The secretary of state shall order a city, village, or
9 township clerk to extend the ballot receipt deadline for any
10 absentee voter ballots under this section that were not transmitted
11 to an absent uniformed services voter or overseas voter in
12 compliance with subsection (5). The extension shall equal the total
13 number of days beyond the deadline as provided in subsection (5)
14 that the city, village, or township clerk transmitted the requested
15 absentee voter ballots. These absentee voter ballots received
16 during the extension time shall be counted and tabulated for the
17 final results of the election provided that the absentee voter
18 ballots are executed and sent by the close of the polls on election
19 day. The election may be formally certified before the end of the
20 extension time if the number of outstanding absentee voter ballots
21 under this subsection will not alter the outcome of the election.

22 (17) As used in this section:

23 (a) "Absent uniformed services voter" means any of the
24 following:

25 (i) A member of a uniformed service on active duty who, by
26 reason of being on active duty, is absent from the place of
27 residence where the member is otherwise qualified to vote.

1 (ii) A member of the merchant marine who, by reason of service
2 in the merchant marine, is absent from the place of residence where
3 the member is otherwise qualified to vote.

4 (iii) A spouse or dependent of a member referred to in
5 subparagraph (i) or (ii) who, by reason of the active duty or service
6 of the member, is absent from the place of residence where the
7 spouse or dependent is otherwise qualified to vote.

8 (b) "Member of the merchant marine" means an individual, other
9 than a member of a uniformed service or an individual employed,
10 enrolled, or maintained on the Great Lakes or the inland waterways,
11 who is either of the following:

12 (i) Employed as an officer or crew member of a vessel
13 documented under the laws of the United States, a vessel owned by
14 the United States, or a vessel of foreign-flag registry under
15 charter to or control of the United States.

16 (ii) Enrolled with the United States for employment or training
17 for employment, or maintained by the United States for emergency
18 relief service, as an officer or crew member of a vessel documented
19 under the laws of the United States, a vessel owned by the United
20 States, or a vessel of foreign-flag registry under charter to or
21 control of the United States.

22 (c) "Overseas voter" means any of the following:

23 (i) An absent uniformed services voter who, by reason of active
24 duty or service, is absent from the United States on the date of an
25 election.

26 (ii) A person who resides outside of the United States and is
27 qualified to vote in the last place in which the person was

1 domiciled before leaving the United States.

2 (iii) A person who resides outside of the United States and who,
3 but for such residence outside of the United States, would be
4 qualified to vote in the last place in which he or she was
5 domiciled before leaving the United States.

6 (d) "Uniformed services" means the army, navy, air force,
7 marine corps, coast guard, the commissioned corps of the public
8 health service, the commissioned corps of the national oceanic and
9 atmospheric administration, a reserve component of a uniformed
10 service, or the Michigan national guard as defined in section 105
11 of the Michigan military act, 1967 PA 150, MCL 32.505.