HOUSE BILL NO. 5268

August 17, 2021, Introduced by Rep. Calley and referred to the Committee on Elections and Ethics.

     A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 759. (1) Subject to **subsection (10) and** section 761(3),

2   at any time during the 75 days before a primary or special primary,

3   but not later than 8 p.m. on the day of a primary or special

4   primary, an elector may apply for an absent voter ballot. The

5   elector shall apply in person or by mail with the clerk of the

6   township or city in which the elector is registered. The clerk of a

1 city or township shall not send by first-class mail an absent voter

2 ballot to an elector after 5 p.m. on the Friday immediately before

3 the election. Except as otherwise provided in section 761(2), the

4 clerk of a city or township shall not issue an absent voter ballot

5 to a registered elector in that city or township after 4 p.m. on

6 the day before the election. An application received before a

7 primary or special primary may be for either that primary only, or

8 for that primary and the election that follows. An individual may

9 submit a voter registration application and an absent voter ballot

10 application at the same time if applying in person with the clerk

11 or deputy clerk of the city or township in which the individual

12 resides. Immediately after his or her voter registration

13 application and absent voter ballot application are approved by the

14 clerk or deputy clerk, the individual may, subject to the

15 identification requirement in section 761(6), complete an absent

16 voter ballot at the clerk's office.

17   (2) Except as otherwise provided in subsection (1) and subject

18 to **subsection (10) and** section 761(3), at any time during the 75

19 days before an election, but not later than 8 p.m. on the day of an

20 election, an elector may apply for an absent voter ballot. The

21 elector shall apply in person or by mail with the clerk of the

22 township, city, or village in which the voter is registered. The

23 clerk of a city or township shall not send by first-class mail an

24 absent voter ballot to an elector after 5 p.m. on the Friday

25 immediately before the election. Except as otherwise provided in

26 section 761(2), the clerk of a city or township shall not issue an

27 absent voter ballot to a registered elector in that city or

28 township after 4 p.m. on the day before the election. An individual

29 may submit a voter registration application and an absent voter

1 ballot application at the same time if applying in person with the

2 clerk or deputy clerk of the city or township in which the

3 individual resides. Immediately after his or her voter registration

4 application and absent voter ballot application are approved by the

5 clerk, the individual may, subject to the identification

6 requirement in section 761(6), complete an absent voter ballot at

7 the clerk's office.

8 (3) An application for an absent voter ballot under this

9 section may be made in any of the following ways:

10 (a) By a written request signed by the voter.

11 (b) On an absent voter ballot application form provided for

12 that purpose by the clerk of the city or township.

13 (c) On a federal postcard application.

14 (4) An applicant for an absent voter ballot shall sign the

15 application. Subject to section 761(2), a clerk or assistant clerk

16 shall not deliver an absent voter ballot to an applicant who does

17 not sign the application. A person shall not be in possession of a

18 signed absent voter ballot application except for the applicant; a

19 member of the applicant's immediate family; a person residing in

20 the applicant's household; a person whose job normally includes the

21 handling of mail, but only during the course of his or her

22 employment; a registered elector requested by the applicant to

23 return the application; or a clerk, assistant of the clerk, or

24 other authorized election official. A registered elector who is

25 requested by the applicant to return his or her absent voter ballot

26 application shall sign the certificate on the absent voter ballot

27 application.

28 (5) The clerk of a city or township shall have absent voter

29 ballot application forms available in the clerk's office at all

1   times and shall furnish an absent voter ballot application form to

2   anyone upon a verbal or written request. The absent voter ballot

3   application must be in substantially the following form:

4   "Application for absent voter ballot for:

5   [ ] The primary or special primary election to be held on

6   _____ (Date).

7   [ ] The election to be held on _____ (Date).

8   (Check applicable election or elections)

9   I, ... , a United States

10   citizen and a qualified and registered elector of the ....

11   precinct of the township of .... or of the ....

12   ward of the city of .... , in the

13   county of .... and state of Michigan,

14   apply for an official ballot, or ballots, to be voted by me at the

15   election or elections as requested in this application.

16   Send absent voter ballot to me at:

17   ....

18   (Street No. or R.R. or Designated Address)

19   ....

20   (Post Office)   (State)   (Zip Code)

21   My registered address ....

22   (Street No. or R.R. or Participant

23   Identification Number)

24   ....

25   (Post Office)   (State)   (Zip Code)

26   Date...

27   I certify that I am a United States citizen and that

28   the statements in this absent voter ballot application

29   are true.

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1                        .......................................
2                                  (Signature)
3                                    WARNING
4          You must be a United States citizen to vote. If you are not a
5    United States citizen, you will not be issued an absent voter
6    ballot.
7          A person making a false statement in this absent voter ballot
8    application is guilty of a misdemeanor. It is a violation of
9    Michigan election law for a person other than those listed in the
10   instructions to return, offer to return, agree to return, or
11   solicit to return your absent voter ballot application to the
12   clerk. An assistant authorized by the clerk who receives absent
13   voter ballot applications at a location other than the clerk's
14   office must have credentials signed by the clerk. Ask to see his or
15   her credentials before entrusting your application with a person
16   claiming to have the clerk's authorization to return your
17   application.
18                     Certificate of Authorized Registered
19                        Elector Returning Absent Voter
20                             Ballot Application
21         I certify that my name is ................... , my address is
22   ................... , and my date of birth is ............ ; that
23   I am delivering the absent voter ballot application of
24   ................... at his or her request; that I did not solicit
25   or request to return the application; that I have not made any
26   markings on the application; that I have not altered the
27   application in any way; that I have not influenced the applicant;
28   and that I am aware that a false statement in this certificate is a
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1 violation of Michigan election law.

2 _____ _____

3 (Date) (Signature)"

4 (6) The following instructions for an applicant for an absent

5 voter ballot must be included with each application furnished an

6 applicant:

7 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

8 Step 1. After completely filling out the application, sign and

9 date the application in the place designated. Your signature must

10 appear on the application or you may not receive an absent voter

11 ballot.

12 Step 2. Deliver the application by 1 of the following methods:

13 (a) Place the application in an envelope addressed to the

14 appropriate clerk and place the necessary postage upon the return

15 envelope and deposit it in the United States mail or with another

16 public postal service, express mail service, parcel post service,

17 or common carrier.

18 (b) Deliver the application personally to the clerk's office,

19 to the clerk, or to an authorized assistant of the clerk.

20 (c) In either (a) or (b), a member of the immediate family of

21 the voter including a father-in-law, mother-in-law, brother-in-law,

22 sister-in-law, son-in-law, daughter-in-law, grandparent, or

23 grandchild or a person residing in the voter's household may mail

24 or deliver the application to the clerk for the applicant.

25 (d) If an applicant cannot return the application in any of

26 the above methods, the applicant may select any registered elector

27 to return the application. The person returning the application

28 must sign and return the certificate at the bottom of the

29 application.

1   (7) A person who prints and distributes absent voter ballot
2   applications shall print on the application the warning,
3   certificate of authorized registered elector returning absent voter
4   ballot application, and instructions required by this section.
5   (8) A person who makes a false statement in an absent voter
6   ballot application is guilty of a misdemeanor. A person who forges
7   a signature on an absent voter ballot application is guilty of a
8   felony. A person who is not authorized in this act and who both
9   distributes absent voter ballot applications to absent voters and
10   returns those absent voter ballot applications to a clerk or
11   assistant of the clerk is guilty of a misdemeanor.
12   (9) The absent voter ballot application of an elector who is a
13   program participant, as that term is defined in **section 3 of** the
14   address confidentiality program act, **2020 PA 301, MCL 780.853**, is
15   confidential and not subject to disclosure under the freedom of
16   information act, 1976 PA 442, MCL 15.231 to 15.246.
17   **(10) Each county, city, and township clerk is prohibited from**
18   **sending an absent voter ballot application to an elector unless the**
19   **elector applies for an absent voter ballot as provided under**
20   **subsection (1) or (2) or unless the elector has requested to be**
21   **placed on a permanent absent voter application list maintained by a**
22   **city or township clerk. The secretary of state is prohibited from**
23   **sending an absent voter ballot application to an elector.**