

HOUSE BILL NO. 5288

September 14, 2021, Introduced by Reps. Beeler, Carra, Fink, Borton, Outman, Paquette, Bollin, Steven Johnson, Bezotte, Posthumus, Maddock and Allor 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 section 761(3), at any time during
2 the 75 days before a primary or special primary, but not later than
3 8 p.m. on the day of a primary or special primary, an elector may
4 apply for an absent voter ballot. The elector shall apply in person
5 or by mail with the clerk of the township or city in which the

1 elector is registered. The clerk of a city or township shall not
2 send by first-class mail an absent voter ballot to an elector after
3 5 p.m. on the Friday immediately before the election. Except as
4 otherwise provided in section 761(2), the clerk of a city or
5 township shall not issue an absent voter ballot to a registered
6 elector in that city or township after 4 p.m. on the day before the
7 election. An application received before a primary or special
8 primary may be for either that primary only, or for that primary
9 and the election that follows. An individual may submit a voter
10 registration application and an absent voter ballot application at
11 the same time if applying in person with the clerk or deputy clerk
12 of the city or township in which the individual resides.

13 Immediately after his or her voter registration application and
14 absent voter ballot application are approved by the clerk or deputy
15 clerk, the individual may, subject to the identification
16 requirement in section 761(6), complete an absent voter ballot at
17 the clerk's office.

18 (2) Except as otherwise provided in subsection (1) and subject
19 to section 761(3), at any time during the 75 days before an
20 election, but not later than 8 p.m. on the day of an election, an
21 elector may apply for an absent voter ballot. The elector shall
22 apply in person or by mail with the clerk of the township, city, or
23 village in which the voter is registered. The clerk of a city or
24 township shall not send by first-class mail an absent voter ballot
25 to an elector after 5 p.m. on the Friday immediately before the
26 election. Except as otherwise provided in section 761(2), the clerk
27 of a city or township shall not issue an absent voter ballot to a
28 registered elector in that city or township after 4 p.m. on the day
29 before the election. An individual may submit a voter registration

1 application and an absent voter ballot application at the same time
2 if applying in person with the clerk or deputy clerk of the city or
3 township in which the individual resides. Immediately after his or
4 her voter registration application and absent voter ballot
5 application are approved by the clerk, the individual may, subject
6 to the identification requirement in section 761(6), complete an
7 absent voter ballot at 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~~**must**
15 **physically** sign the application. **An applicant for an absent voter**
16 **ballot is not authorized to use a digital or electronic signature**
17 **to sign the application. The secretary of state, a county, city, or**
18 **township clerk, an organization, and any individual employed by,**
19 **contracted by, or associated with an organization, is not**
20 **authorized to provide an online absent voter ballot application**
21 **that does not require the applicant to physically sign the**
22 **application.** Subject to section 761(2), a clerk or assistant clerk
23 shall not deliver an absent voter ballot to an applicant who does
24 not **physically** sign the application. A person shall not be in
25 possession of a signed absent voter ballot application except for
26 the applicant; a member of the applicant's immediate family; a
27 person residing in the applicant's household; a person whose job
28 normally includes the handling of mail, but only during the course
29 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. A registered elector who is requested by the applicant to return his or her absent voter ballot application ~~shall~~**must physically** sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office 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 must be in substantially the following form:

"Application for absent voter ballot for:

[] The primary or special primary election to be held on _____ (Date).

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

(Check applicable election or elections)

I, _____, a United States citizen and a qualified and registered elector of the _____ precinct of the township of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

Send absent voter ballot to me at:

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

(Post Office) (State) (Zip Code)

My registered address _____

(Street No. or R.R. or Participant
Identification Number)

.....

(Post Office) (State) (Zip Code)

Date.....

I certify that I am a United States citizen and that
the statements in this absent voter ballot application
are true.

.....

(Signature)

WARNING

You must be a United States citizen to vote. If you are not a
United States citizen, you will not be issued an absent voter
ballot.

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

Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application

1 I certify that my name is , my address is
 2 , and my date of birth is ; that
 3 I am delivering the absent voter ballot application of
 4 at his or her request; that I did not solicit
 5 or request to return the application; that I have not made any
 6 markings on the application; that I have not altered the
 7 application in any way; that I have not influenced the applicant;
 8 and that I am aware that a false statement in this certificate is a
 9 violation of Michigan election law.

10 _____
 11 (Date) (Signature)"

12 (6) The following instructions for an applicant for an absent
 13 voter ballot must be included with each application furnished an
 14 applicant:

15 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

16 Step 1. After completely filling out the application, sign and
 17 date the application in the place designated. Your signature must
 18 appear on the application or you may not receive an absent voter
 19 ballot.

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

21 (a) Place the application in an envelope addressed to the
 22 appropriate clerk and place the necessary postage upon the return
 23 envelope and deposit it in the United States mail or with another
 24 public postal service, express mail service, parcel post service,
 25 or common carrier.

26 (b) Deliver the application personally to the clerk's office,
 27 to the clerk, or to an authorized assistant of the clerk.

28 (c) In either (a) or (b), a member of the immediate family of
 29 the voter including a father-in-law, mother-in-law, brother-in-law,

1 sister-in-law, son-in-law, daughter-in-law, grandparent, or
2 grandchild or a person residing in the voter's household may mail
3 or deliver the application to the clerk for the applicant.

4 (d) If an applicant cannot return the application in any of
5 the above methods, the applicant may select any registered elector
6 to return the application. The person returning the application
7 must sign and return the certificate at the bottom of the
8 application.

9 (7) A person who prints and distributes absent voter ballot
10 applications shall print on the application the warning,
11 certificate of authorized registered elector returning absent voter
12 ballot application, and instructions required by this section.

13 (8) A person who makes a false statement in an absent voter
14 ballot application is guilty of a misdemeanor. A person who forges
15 a signature on an absent voter ballot application is guilty of a
16 felony. A person who is not authorized in this act and who both
17 distributes absent voter ballot applications to absent voters and
18 returns those absent voter ballot applications to a clerk or
19 assistant of the clerk is guilty of a misdemeanor.

20 (9) The absent voter ballot application of an elector who is a
21 program participant, as that term is defined in **section 3 of** the
22 address confidentiality program act, **2020 PA 301, MCL 780.853**, is
23 confidential and not subject to disclosure under the freedom of
24 information act, 1976 PA 442, MCL 15.231 to 15.246.