



HOUSE BILL No. 5957

June 7, 1996, Introduced by Rep. Jaye and referred to the Committee on Local Government.

A bill to amend section 761 of Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

as amended by Act No. 261 of the Public Acts of 1995, being section 168.761 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 761 of Act No. 116 of the Public Acts of
2 1954, as amended by Act No. 261 of the Public Acts of 1995, being
3 section 168.761 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 761. (1) If the clerk of a city, township, or village
6 receives an application for an absent voter ballot from a person
7 registered to vote in that city, township, or village and if the
8 signature on the application agrees with the signature on the
9 registration card, the clerk immediately upon receipt of the

1 application or, if the application is received before the
2 printing of the absent voter ballots, as soon as the ballots are
3 received by the clerk, shall forward by mail, postage prepaid, or
4 shall deliver personally 1 of the ballots or set of ballots if
5 there is more than 1 kind of ballot to be voted to the
6 applicant. Absent voter ballots may be delivered to an applicant
7 OR TO A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY IF THE APPLI-
8 CANT IS 60 YEARS OF AGE OR OLDER in person at the office of the
9 clerk.

10 (2) Notwithstanding section 759, providing that no absent
11 voter applications shall be received by the clerk after 2 p.m. on
12 the Saturday before the election, a person qualified to vote as
13 an absent voter may apply in person at the clerk's office before
14 4 p.m. on a day preceding the election except Sunday or a legal
15 holiday to vote as an absent voter. The applicant shall receive
16 his or her absent voter ballot and vote the ballot in the clerk's
17 office. All other absent voter ballots, except ballots delivered
18 pursuant to an emergency absent voter ballot application under
19 section 759b, shall be mailed or delivered to the registration
20 address of the applicant unless the application requests delivery
21 to an address outside the city, village, or township or to a hos-
22 pital or similar institution, in which case the absent voter bal-
23 lots shall be mailed or delivered to the address given in the
24 application. However, a clerk may mail or deliver an absent
25 voter ballot, upon request of the absent voter, to a post office
26 box if the post office box is where the absent voter normally

1 receives personal mail and the absent voter does not receive mail
2 at his or her registration address.

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

TO BE COMPLETED
BY THE CLERK

3 _____
4 Name of Voter Street Address or R.R.
5 _____
6 City, Township or Village County
7 Ward _____ Precinct _____ Date of Election _____

8 =====

TO BE COMPLETED BY THE ABSENT VOTER

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

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

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

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

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

26 =====

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

29 I assisted the above named absent voter who is disabled or
30 otherwise unable to mark the ballot in marking his or her absent
31 voter ballot pursuant to his or her directions. The absent voter

1 ballot was inserted in the return envelope without being
2 exhibited to any other person.

3 _____
4 Signature of Person Street Address or R.R. City, Twp., or Village
5 Assisting Voter

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

8 =====

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

23 (4) An absent voter who knowingly makes a false statement on
24 the absent voter ballot return envelope is guilty of a
25 misdemeanor. A person who assists an absent voter and who know-
26 ingly makes a false statement on the absent voter ballot return
27 envelope is guilty of a felony.