

# SENATE BILL No. 144

February 2, 2005, Introduced by Senators BRATER, PRUSI, THOMAS, BASHAM, CLARK-COLEMAN, SCHAUER, SWITALSKI, CLARKE, SCOTT, CHERRY, JACOBS, LELAND, BERNERO and EMERSON and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 758. ~~—(1) For the purposes of~~ **AS USED IN** this act,  
2 "absent voter" means a qualified and registered elector who ~~meets~~  
3 ~~1 or more of the following requirements:~~

4           ~~— (a) On account of physical disability, cannot without~~  
5 ~~another's assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on  
6 the day of an election.

7           ~~— (b) On account of the tenets of his or her religion, cannot~~

1 ~~attend the polls on the day of election.~~

2 ~~—— (c) Cannot attend the polls on the day of an election in the~~  
 3 ~~precinct in which he or she resides because of being an election~~  
 4 ~~precinct inspector in another precinct.~~

5 ~~—— (d) Is 60 years of age or older.~~

6 ~~—— (e) Is absent or expects to be absent from the township or~~  
 7 ~~city in which he or she resides during the entire period the polls~~  
 8 ~~are open for voting on the day of an election.~~

9 ~~—— (f) Cannot attend the polls on election day because of being~~  
 10 ~~confined in jail awaiting arraignment or trial.~~

11 ~~—— (2) Subsection (1) does not apply to~~ **ABSENT VOTER DOES NOT**  
 12 **INCLUDE** a person who has moved outside of this state, regardless of  
 13 length of his or her residence outside of this state, and who no  
 14 longer maintains an actual residence in this state. The storage of  
 15 personal effects or household goods, the ownership of property that  
 16 is rented or leased to others, or occasional brief visits to a  
 17 former domicile in this state while residing outside of this state  
 18 for most of the year does not constitute a residence for voting  
 19 purposes in this state, except for each of the following:

20 (a) A person described in section 1 of article II of the state  
 21 constitution of 1963 and statutes enacted under that section.

22 (b) A person described in section 759a.

23 Sec. 759. (1) At any time during the 75 days before a primary  
 24 **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of  
 25 the Saturday immediately before the primary **ELECTION** or special  
 26 primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote as an  
 27 absent voter ~~—, as defined in section 758,—~~ may apply for an absent

1 voter ballot. The elector shall apply in person or by mail with the  
2 clerk of the township, city, or village in which the elector is  
3 registered. An application received before a primary **ELECTION** or  
4 special primary **ELECTION** may be for either that primary **ELECTION**  
5 only, or for that primary **ELECTION** and the election that follows.

6 (2) Except as otherwise provided in subsection (1), at any  
7 time during the 75 days before an election, but not later than 2  
8 p.m. of the Saturday before the election, an elector who ~~qualifies~~  
9 **WANTS** to vote as an absent voter ~~—, as defined in section 758,—~~ may  
10 apply for an absent voter ballot. The elector shall apply in person  
11 or by mail with the clerk of the township, city, or village in  
12 which the voter is registered.

13 (3) An application for an absent voter ballot under this  
14 section may be made in any of the following ways:

15 (a) By a written request signed by the ~~voter stating the~~  
16 ~~statutory grounds for making the application—~~ **ELECTOR**.

17 (b) On an absent voter ballot application form provided for  
18 that purpose by the clerk of the city, township, or village.

19 (c) On a federal postcard application.

20 (4) An applicant for an absent voter ballot shall sign the  
21 application. A clerk or assistant clerk shall not deliver an absent  
22 voter ballot to an applicant who does not sign the application. ~~—A~~  
23 ~~person other—~~ **OTHER** than the applicant; a member of the applicant's  
24 immediate family; a person residing in the applicant's household; a  
25 person whose job normally includes the handling of mail, but only  
26 during the course of his or her employment; a registered elector  
27 requested by the applicant **TO RETURN THE APPLICATION**; or a clerk,

1 assistant of the clerk, or other authorized election official, **A**  
2 **PERSON** shall not be in possession of a signed absent voter ballot  
3 application. A registered elector who is requested by the applicant  
4 to return his or her absent voter ballot application shall sign the  
5 certificate on the absent voter ballot application.

6 (5) The clerk of the city, township, or village shall have  
7 absent voter ballot application forms available in the office of  
8 the clerk at all times and shall furnish an absent voter ballot  
9 application form to anyone upon a verbal or written request. The  
10 absent voter ballot application shall be in substantially the  
11 following form:

12 "Application for absent voter ballot for:

13  The primary **ELECTION** or special primary election to be held  
14 on ~~....., 19...~~ \_\_\_\_\_ **[DATE]** .

15  The election to be held on ~~....., 19...~~ \_\_\_\_\_  
16 **[DATE]** .

17 (Check applicable election or elections)

18 I, ..... , a qualified and registered elector of the  
19 ..... precinct of the township of ..... or village of  
20 ..... or of the ..... ward of the city of ..... , in  
21 the county of ..... and state of Michigan, apply for an  
22 official ballot, or ballots, to be voted by me at the election or  
23 elections as requested in this application.

24 ~~— The statutory grounds on which I have my request are:~~

25 ~~—  I expect to be absent from the community in which I am~~  
26 ~~registered for the entire time the polls are open on election day.~~

27 ~~—  I am physically unable to attend the polls without the~~

1 ~~assistance of another.~~

2 ~~—— [] I cannot attend the polls because of the tenets of my~~  
3 ~~religion.~~

4 ~~—— [] I have been appointed an election precinct inspector in a~~  
5 ~~precinct other than the precinct where I reside.~~

6 ~~—— [] I am 60 years of age or older.~~

7 ~~—— [] I cannot attend the polls because I am confined to jail~~  
8 ~~awaiting arraignment or trial.~~

9 ~~—— (Check applicable reason)~~

10 Send absent voter ballot to me at:

11 .....

12 (Street No. or R.R.)

13 .....

14 (Post Office) (State) (ZIP CODE)

15 My registered address.....

16 (Street No. or R.R.)

17 .....

18 (Post Office) (State) (ZIP CODE)

19 Date .....

20 I ~~declare~~ **CERTIFY** that the statements in this absent voter  
21 ballot application are true.

22 .....

23 (Signature)

24 WARNING

25 A person making a false statement in this absent voter ballot  
26 application is guilty of a misdemeanor. It is a violation of  
27 Michigan election law for a person other than those listed in the

1 instructions to return, offer to return, agree to return, or  
2 solicit to return your absent voter ballot application to the  
3 clerk. An assistant authorized by the clerk who receives absent  
4 voter ballot applications at a location other than the office of  
5 the clerk must have credentials signed by the clerk. Ask to see his  
6 or her credentials before entrusting your application with a person  
7 claiming to have the clerk's authorization to return your  
8 application.

9 Certificate of Authorized Registered  
10 Elector Returning Absent Voter  
11 Ballot Application

12 I certify that my name is ....., my address is  
13 ....., and my date of birth is .....; that I  
14 am delivering the absent voter ballot application of  
15 ..... at his or her request; that I did not solicit  
16 or request to return the application; that I have not made any  
17 markings on the application; that I have not altered the  
18 application in any way; that I have not influenced the applicant;  
19 and that I am aware that a false statement in this certificate is a  
20 violation of Michigan election law.

21 \_\_\_\_\_  
22 (Date) (Signature)"

23 (6) The following instructions for an applicant for an absent  
24 voter ballot shall be included with each application furnished an  
25 applicant:

26 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

1 date the application in the place designated. Your signature must  
2 appear on the application or you will not receive an absent voter  
3 ballot.

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

5 (a) Place the application in an envelope addressed to the  
6 appropriate clerk and place the necessary postage upon the return  
7 envelope and deposit it in the United States mail or with another  
8 public postal service, express mail service, parcel post service,  
9 or common carrier.

10 (b) Deliver the application personally to the office of the  
11 clerk, to the clerk, or to an authorized assistant of the clerk.

12 (c) In either (a) or (b), a member of the immediate family of  
13 the voter including a father-in-law, mother-in-law, brother-in-law,  
14 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
15 grandchild or a person residing in the voter's household may mail  
16 or deliver the application to the clerk for the applicant.

17 (d) ~~In the event~~ **IF** an applicant cannot return the  
18 application in any of the above methods, the applicant may select  
19 any registered elector to return the application. The person  
20 returning the application must sign and return the certificate at  
21 the bottom of the application.

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

26 (8) A person who makes a false statement in an absent voter  
27 ballot application is guilty of a misdemeanor. A person who forges

1 a signature on an absent voter ballot application is guilty of a  
2 felony. A person who is not authorized in this act and who both  
3 distributes absent voter ballot applications to absent voters and  
4 returns those absent voter ballot applications to a clerk or  
5 assistant of the clerk is guilty of a misdemeanor.

6 Sec. 759b. (1) ~~Any~~ A registered elector may apply for **AN**  
7 absent voter ~~ballots~~ **BALLOT** at any time ~~prior to~~ **BEFORE** 4 p.m.  
8 on election day if ~~he shall have become physically disabled or~~  
9 ~~shall be absent from the city or township because of sickness or~~  
10 ~~death in the family which~~ **AN EVENT** has occurred at a time ~~which~~  
11 ~~has~~ **THAT** made it impossible to apply for absent voter ballots by  
12 the statutory deadline. The application shall be called an  
13 emergency absent voter **BALLOT** application.

14 (2) Emergency absent voter **BALLOT** applications may be made by  
15 letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND**  
16 provided by the clerk. The application shall set forth that the  
17 voter is qualified to vote in the election ~~, stating the statutory~~  
18 ~~reason for applying for an emergency absent voter ballot~~ and that  
19 ~~the reason for applying after the statutory deadline~~ **AN EVENT**  
20 occurred at ~~such~~ a time ~~to make~~ **THAT MADE** it impossible to file an  
21 application for **AN** absent voter ~~ballots~~ **BALLOT** by the statutory  
22 deadline. **THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD**  
23 **EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM, INCLUDING THE SIZE**  
24 **OF THE FORM AND THE COLOR OF PAPER UPON WHICH THE FORM IS PRINTED.**

25 (3) ~~Any~~ A person intentionally making a false statement in  
26 ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a  
27 felony. ~~Any~~ A person aiding or abetting ~~any~~ **ANOTHER** person to



1 make a false statement ~~on such~~ **IN AN EMERGENCY ABSENT VOTER**  
2 **BALLOT** application is guilty of a felony.

3 (4) Upon receipt by the clerk of a valid application for an  
4 emergency absent voter ballot, the clerk may deliver the **ABSENT**  
5 **VOTER** ballots to the applicant in person, through a deputy or an  
6 election assistant, or ~~he may deliver them~~ at his **OR HER** office  
7 to a person named by the applicant in the **EMERGENCY ABSENT VOTER**  
8 **BALLOT** application. The **ABSENT** voter may return the **ABSENT VOTER**  
9 ballots to the clerk ~~in the sealed envelope provided therefor~~ in  
10 any manner. ~~he sees fit. To~~ **FOR AN ABSENT VOTER BALLOT TO** be  
11 valid, ~~ballots must be returned~~ **THE ABSENT VOTER MUST RETURN THE**  
12 **ABSENT VOTER BALLOTS** to the clerk **IN THE SEALED ENVELOPE PROVIDED**  
13 **FOR THAT PURPOSE AND** in time to be delivered to the polls ~~prior to~~  
14 **BEFORE** 8 p.m. on election day.