

SENATE BILL No. 293

March 9, 2005, Introduced by Senators McMANUS, SWITALSKI, KUIPERS, ALLEN, BIRKHOLZ, GARCIA and GOSCHKA and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
 "Michigan election law,"
 by amending section 761 (MCL 168.761), as amended by 1996 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761. (1) If the clerk of a city, township, or village
 2 receives an application for an absent voter ballot from a person
 3 registered to vote in that city, township, or village and if the
 4 signature on the application agrees with the signature on the
 5 registration card, the clerk **SHALL PROCEED UNDER THIS SUBSECTION.**
 6 **THE CLERK** immediately upon receipt of the application or, if the
 7 application is received before the printing of the absent voter
 8 ballots, as soon as the ballots are received by the clerk, shall
 9 forward by mail, postage prepaid, or shall deliver personally 1

1 of the ballots or set of ballots if there is more than 1 kind of
 2 ballot to be voted to the applicant. Absent voter ballots may be
 3 delivered to an applicant in person at the office of the clerk.

4 (2) Notwithstanding **THE PROVISION IN** section 759 ~~—~~
 5 ~~providing~~ that no absent voter applications shall be received by
 6 the clerk after 2 p.m. on the Saturday before the election, a
 7 person qualified to vote as an absent voter may apply in person
 8 at the clerk's office before 4 p.m. on a day ~~preceeding~~ **BEFORE**
 9 the election except Sunday or a legal holiday to vote as an
 10 absent voter. The applicant shall receive his or her absent voter
 11 ballot and vote the ballot in the clerk's office. All other
 12 absent voter ballots, except ballots delivered ~~pursuant~~
 13 **ACCORDING** to an emergency absent voter ballot application under
 14 section 759b, shall be mailed or delivered to the registration
 15 address of the applicant unless the ~~application~~ **APPLICANT**
 16 requests delivery to an address outside the city, village, or
 17 township or to a hospital or similar institution. ~~—, in which~~
 18 ~~ease~~ **IF THE APPLICANT REQUESTS DELIVERY TO OTHER THAN THE**
 19 **APPLICANT'S REGISTRATION ADDRESS,** the absent voter ~~ballots~~
 20 **BALLOT** shall be mailed or delivered to the address given in the
 21 application. ~~However, a~~ **A** clerk may mail or deliver an absent
 22 voter ballot, upon request of the absent voter, to a post office
 23 box if the post office box is where the absent voter normally
 24 receives personal mail and the absent voter does not receive mail
 25 at his or her registration address.

26 (3) Absent voter ballots shall be issued in the same order
 27 in which applications are received by the clerk of a city,

1 township, or village, as ~~nearly as may be~~ **CLOSE AS POSSIBLE**,
2 and each ballot issued shall bear the lowest number of each kind
3 available for this purpose. ~~However, this~~ **THIS** provision does
4 not prohibit a clerk from immediately issuing an absent voter
5 ballot to an absent voter who applies in person in the clerk's
6 office for absent voter ballots. The clerk shall enclose with the
7 ballot or ballots a return envelope properly addressed to the
8 clerk and bearing upon the back of the envelope a printed
9 statement in substantially the following form:

10 TO BE COMPLETED
11 BY THE CLERK

12 _____
13 Name of Voter Street Address or R.R.
14 _____
15 City, Township or Village County

16 Ward _____ Precinct _____ Date of Election _____

17 =====
18 TO BE COMPLETED BY THE ABSENT VOTER

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

24 **IF APPLICABLE, I ALSO ACKNOWLEDGE THAT THE PERSON NAMED**
25 **BELOW WAS IN MY PHYSICAL PRESENCE AND ASSISTED ME IN MARKING MY**
26 **BALLOT OR MARKED MY BALLOT FOR ME AT MY DIRECTION.**

27 I further assert that this absent voter ballot is being
28 returned to the clerk or an assistant of the clerk by me

1 personally; by public postal service, express mail service,
2 parcel post service, or other common carrier; by a member of my
3 immediate family; or by a person residing in my household.

4 DATE: _____ SIGN HERE: X _____
5 Signature of Absent Voter

6 The above form must be signed or your vote will not be counted.
7 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
8 OF A MISDEMEANOR.

9 =====

10 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
11 BY ANOTHER PERSON

12 I assisted the above named absent voter who is ~~disabled~~ **A**
13 **PERSON WITH A DISABILITY** or **WHO IS** otherwise unable to mark the
14 ballot in marking his or her absent voter ballot ~~pursuant~~
15 **ACCORDING** to his or her directions **AND IN HIS OR HER PHYSICAL**
16 **PRESENCE**. The absent voter ballot was inserted in the return
17 envelope without being exhibited to any other person **OR REVEALING**
18 **THE SELECTIONS MADE BY THE ABSENT VOTER TO ANY OTHER PERSON.**

19 _____
20 Signature of Person Assisting Voter Street Address or R.R. **STATE,** City, Twp., or Village

21 _____

22 **Printed Name of Person Assisting Voter**

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

25 =====

26 WARNING

27 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER

1 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
2 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
3 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
4 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
5 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
6 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
7 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
8 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
9 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
10 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
11 VOTER BALLOT IS GUILTY OF A FELONY.

12 ~~—— (4) A clerk may use absent voter ballot envelop stock~~
13 ~~purchased before March 28, 1996 for the remainder of the 1996~~
14 ~~calendar year if both of the following requirements are~~
15 ~~satisfied:~~

16 ~~—— (a) The warning in subsection (3) that describes persons who~~
17 ~~can legally be in possession of an absent voter ballot is affixed~~
18 ~~to the outside of the envelope.~~

19 ~~—— (b) All other instructions required under subsection (3)~~
20 ~~regarding persons assisting the absent voter are inserted into~~
21 ~~the absent voter ballot envelope.~~

22 (4) ~~—(5)~~ An absent voter who knowingly makes a false
23 statement on the absent voter ballot return envelope is guilty of
24 a misdemeanor. A person who assists an absent voter and who
25 knowingly makes a false statement on the absent voter ballot
26 return envelope is guilty of a felony.

27 Enacting section 1. This amendatory act takes effect March

1 1, 2006.