

**SUBSTITUTE FOR  
HOUSE BILL NO. 5297**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759a (MCL 168.759a), as amended by 2011 PA 163.

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

1       Sec. 759a. (1) An absent uniformed services voter or an  
2 overseas voter who is not registered, but possessed the  
3 qualifications of an elector under section 492, may apply for  
4 registration by using the federal postcard application. The  
5 department of state, bureau of elections, is responsible for  
6 disseminating information on the procedures for registering and  
7 voting to an absent uniformed services voter and an overseas voter.  
8       (2) Upon the request of an absent uniformed services voter or  
9 an overseas voter, the clerk of a county, city, township, or  
10 village shall electronically transmit a blank voter registration

1 application or blank absent voter ballot application to the voter.  
2 The clerk of a county, city, township, or village shall accept a  
3 completed voter registration application or completed absent voter  
4 ballot application electronically transmitted by an absent  
5 uniformed services voter or overseas voter. A voter registration  
6 application or absent voter ballot application submitted by an  
7 absent uniformed services voter or overseas voter shall contain the  
8 signature of the voter.

9 (3) A spouse or dependent of an overseas voter who is a  
10 citizen of the United States, is accompanying that overseas voter,  
11 and is not a qualified and registered elector anywhere else in the  
12 United States, may apply for an absent voter ballot even though the  
13 spouse or dependent is not a qualified elector of a city or  
14 township of this state.

15 (4) An absent uniformed services voter or an overseas voter,  
16 whether or not registered to vote, may apply for an absent voter  
17 ballot. Upon receipt of an application for an absent voter ballot  
18 under this section that complies with this act, a county, city,  
19 village, or township clerk shall forward to the applicant the  
20 absent voter ballots requested, the forms necessary for  
21 registration, and instructions for completing the forms. If the  
22 ballots are not yet available at the time of receipt of the  
23 application, the clerk shall immediately forward to the applicant  
24 the registration forms and instructions, and forward the ballots as  
25 soon as they are available. If a federal postcard application **OR AN**  
26 **APPLICATION FROM THE OFFICIAL UNITED STATES DEPARTMENT OF DEFENSE**  
27 **WEBSITE** is filed, the clerk shall accept the federal postcard

1 application **OR THE APPLICATION FROM THE OFFICIAL UNITED STATES**  
2 **DEPARTMENT OF DEFENSE WEBSITE** as the registration application and  
3 shall not send any additional registration forms to the applicant.  
4 If the ballots and registration forms are received before the close  
5 of the polls on election day and if the registration complies with  
6 the requirements of this act, the absent voter ballots shall be  
7 delivered to the proper election board to be tabulated. If the  
8 registration does not comply with the requirements of this act, the  
9 clerk shall retain the absent voter ballots until the expiration of  
10 the time that the voted ballots must be kept and shall then destroy  
11 the ballots without opening the envelope. The clerk may retain  
12 registration forms completed under this section in a separate file.  
13 The address in this state shown on a registration form is the  
14 residence of the registrant.

15 (5) Not later than 45 days before an election, a county, city,  
16 township, or village clerk shall electronically transmit or mail as  
17 appropriate an absent voter ballot to each absent uniformed  
18 services voter or overseas voter who applied for an absent voter  
19 ballot 45 days or more before the election.

20 (6) Upon the request of an absent uniformed services voter or  
21 overseas voter, the clerk of a county, city, township, or village  
22 shall electronically transmit an absent voter ballot to the voter.  
23 The voter shall print the absent voter ballot and return the voted  
24 ballot by mail to the appropriate clerk.

25 (7) The secretary of state shall prescribe electronic absent  
26 voter ballot formats and electronic absent voter ballot  
27 transmission methods. Each county, city, township, or village clerk

1 shall employ the prescribed electronic ballot formats to fulfill an  
2 absent voter ballot request received from an absent uniformed  
3 services voter or overseas voter who wishes to receive his or her  
4 absent voter ballot through an electronic transmission. The  
5 secretary of state shall establish procedures to implement the  
6 requirements in this section and for the processing of a marked  
7 absent voter ballot returned by an absent uniformed services voter  
8 or overseas voter who obtained his or her absent voter ballot  
9 through an electronic transmission.

10 (8) The secretary of state shall modify the printed statement  
11 provided under section 761(4) and the absent voter ballot  
12 instructions provided under section 764a as appropriate to  
13 accommodate the procedures developed for electronically  
14 transmitting an absent voter ballot to an absent uniformed services  
15 voter or overseas voter. A statement shall be included in the  
16 certificate signed by the absent voter who obtained his or her  
17 absent voter ballot through an electronic transmission that the  
18 secrecy of the absent voter ballot may be compromised during the  
19 duplication process. The absent voter ballot instructions provided  
20 to an absent uniformed services voter or overseas voter shall  
21 include the proper procedures for returning the absent voter ballot  
22 to the appropriate clerk.

23 (9) The size of a precinct shall not be determined by  
24 registration forms completed under this section.

25 (10) An absent uniformed services voter or an overseas voter  
26 who submits an absent voter ballot application is eligible to vote  
27 as an absent voter in any local, ~~ex~~-state, **OR FEDERAL** election

1 occurring in the calendar year in which **THE ELECTION IS HELD FOR**  
2 **THAT BALLOT REQUESTED IF** the absent voter ballot application is  
3 received by the county, city, village, or township clerk ~~, but not~~  
4 ~~in an election for which the application is received by the clerk~~  
5 ~~after~~ **NOT LATER THAN** 2 p.m. of the Saturday before the election. A  
6 county, city, or township clerk receiving an absent voter ballot  
7 application from an absent uniformed services voter or overseas  
8 voter shall transmit to a village clerk and the school district  
9 election coordinators, where applicable, the necessary information  
10 to enable the village clerk and school district election  
11 coordinators to forward an absent voter ballot for each applicable  
12 election in that calendar year to the absent voter. A village clerk  
13 receiving an absent voter ballot application from an absent  
14 uniformed services voter or overseas voter shall transmit to the  
15 township clerk and the school district election coordinators, where  
16 applicable, the necessary information to enable the city or  
17 township clerk and school district election coordinators to forward  
18 an absent voter ballot for each applicable election in that  
19 calendar year to the absent voter. If the local elections official  
20 rejects a voter registration application or absent voter ballot  
21 application submitted by an absent uniformed services voter or  
22 overseas voter, the election official shall notify the voter of the  
23 rejection.

24 (11) An electronic mail address provided by an absent  
25 uniformed services voter or overseas voter for the purposes of this  
26 section is confidential and exempt from disclosure under the  
27 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

1           (12) Under the uniformed and overseas citizens absentee voting  
2 act, ~~42 USC 1973ff to 1973ff-7~~, the state director of elections  
3 shall approve a ballot form and registration procedures for absent  
4 uniformed services voters and overseas voters.

5           (13) AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER  
6 MAY USE THE FEDERAL WRITE-IN ABSENTEE BALLOT, IN ACCORDANCE WITH  
7 THE PROVISIONS OF THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE  
8 VOTING ACT, AT A REGULAR ELECTION OR SPECIAL ELECTION TO VOTE FOR A  
9 LOCAL, STATE, OR FEDERAL OFFICE OR ON A BALLOT QUESTION. AN ABSENT  
10 UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER WHO USES THE FEDERAL  
11 WRITE-IN ABSENTEE BALLOT SHALL RETURN HIS OR HER VOTED FEDERAL  
12 WRITE-IN ABSENTEE BALLOT BY MAIL TO THE APPROPRIATE CLERK. THE  
13 STATE BUREAU OF ELECTIONS SHALL DO BOTH OF THE FOLLOWING:

14           (A) MAKE THE BALLOT FORMAT FOR EACH ELECTION AVAILABLE TO  
15 ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS BY ELECTRONIC  
16 MAIL OR ON AN INTERNET WEBSITE MAINTAINED BY THE DEPARTMENT OF  
17 STATE.

18           (B) MAKE THE BALLOT INFORMATION, INCLUDING THE OFFICES, NAMES  
19 OF CANDIDATES, AND BALLOT PROPOSALS, FOR EACH ELECTION AVAILABLE TO  
20 ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS ON AN INTERNET  
21 WEBSITE MAINTAINED BY THE DEPARTMENT OF STATE.

22           (14) THE CLERK OF A CITY, VILLAGE, OR TOWNSHIP SHALL SUBMIT TO  
23 THE COUNTY CLERK OF THE COUNTY IN WHICH THAT CITY, VILLAGE, OR  
24 TOWNSHIP IS LOCATED A WRITTEN STATEMENT NO LATER THAN 45 DAYS  
25 BEFORE EACH ELECTION INDICATING WHETHER ABSENT VOTER BALLOTS WERE  
26 ISSUED TO ABSENT UNIFORMED SERVICES VOTERS OR OVERSEAS VOTERS IN  
27 COMPLIANCE WITH THIS SECTION AND THE UNIFORMED AND OVERSEAS

1 CITIZENS ABSENTEE VOTING ACT. THE CITY, VILLAGE, OR TOWNSHIP CLERK  
2 SHALL PROVIDE TO THE COUNTY CLERK A WRITTEN EXPLANATION DESCRIBING  
3 REMEDIAL ACTIONS TAKEN BY THE CITY, VILLAGE, OR TOWNSHIP CLERK IF  
4 THE CITY, VILLAGE, OR TOWNSHIP CLERK FAILS TO COMPLY WITH THIS  
5 SECTION AND THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING  
6 ACT. NOT LATER THAN 42 DAYS BEFORE EACH ELECTION, EACH COUNTY CLERK  
7 SHALL SUBMIT TO THE STATE BUREAU OF ELECTIONS A WRITTEN REPORT  
8 COMPILED FROM THE WRITTEN STATEMENTS SUBMITTED BY THE CITY,  
9 VILLAGE, AND TOWNSHIP CLERKS. THE WRITTEN REPORT SHALL IDENTIFY THE  
10 CITIES, VILLAGES, AND TOWNSHIPS THAT COMPLIED WITH THE 45-DAY  
11 DEADLINE UNDER THIS SUBSECTION, THE CITIES, VILLAGES, AND TOWNSHIPS  
12 THAT DID NOT COMPLY WITH THE 45-DAY DEADLINE UNDER THIS SUBSECTION,  
13 BUT PROVIDED A WRITTEN EXPLANATION, AND THOSE CITIES, VILLAGES, AND  
14 TOWNSHIPS THAT DID NOT COMPLY WITH THE 45-DAY DEADLINE UNDER THIS  
15 SUBSECTION AND THAT DID NOT PROVIDE A WRITTEN EXPLANATION. THE  
16 STATE BUREAU OF ELECTIONS MAY REQUIRE THE CLERK OF A CITY, VILLAGE,  
17 OR TOWNSHIP THAT DID NOT COMPLY WITH THE 45-DAY DEADLINE UNDER THIS  
18 SUBSECTION, BUT PROVIDED A WRITTEN EXPLANATION, TO PROVIDE  
19 ADDITIONAL INFORMATION. THE STATE BUREAU OF ELECTIONS SHALL REQUIRE  
20 THE CLERK OF A CITY, VILLAGE, OR TOWNSHIP THAT DID NOT COMPLY WITH  
21 THE 45-DAY DEADLINE AND THAT DID NOT PROVIDE A WRITTEN EXPLANATION  
22 TO FILE A WRITTEN EXPLANATION, DESCRIBING THE REMEDIAL ACTIONS  
23 TAKEN BY THE CITY, VILLAGE, OR TOWNSHIP CLERK, WITHIN 1 BUSINESS  
24 DAY AFTER THE STATE BUREAU OF ELECTIONS NOTIFIES THE CLERK OF THAT  
25 CITY, VILLAGE, OR TOWNSHIP.

26 (15) ~~(13)~~ For a presidential primary election, the secretary  
27 of state shall prescribe procedures for contacting an elector who

1 is an absent uniformed services voter or an overseas voter, as  
2 described in this section, and who is eligible to receive an absent  
3 voter ballot or who applies for an absent voter ballot for the  
4 presidential primary election, offering the elector the opportunity  
5 to select a political party ballot for the presidential primary  
6 election.

7 (16) ~~(14)~~—As used in this section:

8 (a) "Absent uniformed services voter" means any of the  
9 following:

10 (i) A member of a uniformed service on active duty who, by  
11 reason of being on active duty, is absent from the place of  
12 residence where the member is otherwise qualified to vote.

13 (ii) A member of the merchant marine who, by reason of service  
14 in the merchant marine, is absent from the place of residence where  
15 the member is otherwise qualified to vote.

16 (iii) A spouse or dependent of a member referred to in  
17 subparagraph (i) or (ii) who, by reason of the active duty or service  
18 of the member, is absent from the place of residence where the  
19 spouse or dependent is otherwise qualified to vote.

20 (b) "Member of the merchant marine" means an individual, other  
21 than a member of a uniformed service or an individual employed,  
22 enrolled, or maintained on the Great Lakes or the inland waterways,  
23 who is either of the following:

24 (i) Employed as an officer or crew member of a vessel  
25 documented under the laws of the United States, a vessel owned by  
26 the United States, or a vessel of foreign-flag registry under  
27 charter to or control of the United States.



## House Bill No. 5297 as amended June 13, 2012

1           (ii) Enrolled with the United States for employment or training  
2 for employment, or maintained by the United States for emergency  
3 relief service, as an officer or crew member of a vessel documented  
4 under the laws of the United States, a vessel owned by the United  
5 States, or a vessel of foreign-flag registry under charter to or  
6 control of the United States.

7           (c) "Overseas voter" means any of the following:

8           (i) An absent uniformed services voter who, by reason of active  
9 duty or service, is absent from the United States on the date of an  
10 election.

11           (ii) A person who resides outside of the United States and is  
12 qualified to vote in the last place in which the person was  
13 domiciled before leaving the United States.

14           (iii) A person who resides outside of the United States and who,  
15 but for such residence outside of the United States, would be  
16 qualified to vote in the last place in which he or she was  
17 domiciled before leaving the United States.

18           (d) "Uniformed services" means the army, navy, air force,  
19 marine corps, coast guard, the commissioned corps of the public  
20 health service, the commissioned corps of the national oceanic and  
21 atmospheric administration, a reserve component of a uniformed  
22 service, or the Michigan national guard as defined in section 105  
23 of the Michigan military act, 1967 PA 150, MCL 32.505.

24           <<-(15) This section applies to the August 3, 2010 election  
25 and to each succeeding election conducted in this state.

Enacting section 1. This amendatory act takes effect August 15,  
2012.>>