

SENATE BILL No. 1270

September 12, 2012, Introduced by Senator WHITMER and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759a (MCL 168.759a), as amended by 2012 PA 279.

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

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

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

16 (4) An absent uniformed services voter or an overseas voter,
17 whether or not registered to vote, may apply for an absent voter
18 ballot. Upon receipt of an application for an absent voter ballot
19 under this section that complies with this act, a county, city,
20 village, or township clerk shall forward to the applicant the
21 absent voter ballots requested, the forms necessary for
22 registration, and instructions for completing the forms. If the
23 ballots are not yet available at the time of receipt of the
24 application, the clerk shall immediately forward to the applicant
25 the registration forms and instructions, and forward the ballots as
26 soon as they are available. If a federal postcard application or an
27 application from the official United States department of defense

1 website is filed, the clerk shall accept the federal postcard
2 application or the application from the official United States
3 department of defense website as the registration application and
4 shall not send any additional registration forms to the applicant.
5 If the ballots and registration forms are received before the close
6 of the polls on election day and if the registration complies with
7 the requirements of this act, the absent voter ballots shall be
8 delivered to the proper election board to be **COUNTED AND** tabulated
9 **FOR THE FINAL RESULTS OF THE ELECTION. IF THE BALLOTS AND**
10 **REGISTRATION FORMS ARE POSTMARKED BY THE CLOSE OF THE POLLS ON**
11 **ELECTION DAY, THE BALLOTS ARE RECEIVED BEFORE THE ELECTION RESULTS**
12 **ARE CERTIFIED BY THE APPROPRIATE CANVASSING BOARD RESPONSIBLE FOR**
13 **CANVASSING THE ELECTION AS PROVIDED UNDER THIS ACT, AND THE**
14 **REGISTRATION COMPLIES WITH THE REQUIREMENTS OF THIS ACT, THE ABSENT**
15 **VOTER BALLOTS SHALL BE COUNTED AND TABULATED FOR THE FINAL RESULTS**
16 **OF THE ELECTION.** If the registration does not comply with the
17 requirements of this act, the clerk shall retain the absent voter
18 ballots until the expiration of the time that the voted ballots
19 must be kept and shall then destroy the ballots without opening the
20 envelope. The clerk may retain registration forms completed under
21 this section in a separate file. The address in this state shown on
22 a registration form is the residence of the registrant.

23 (5) Not later than 45 days before an election, a county, city,
24 township, or village clerk shall electronically transmit or mail as
25 appropriate an absent voter ballot to each absent uniformed
26 services voter or overseas voter who applied for an absent voter
27 ballot 45 days or more before the election.

1 (6) Upon the request of an absent uniformed services voter or
2 overseas voter, the clerk of a county, city, township, or village
3 shall electronically transmit an absent voter ballot to the voter.
4 The voter shall print the absent voter ballot and return the voted
5 ballot by mail to the appropriate clerk.

6 (7) The secretary of state shall prescribe electronic absent
7 voter ballot formats and electronic absent voter ballot
8 transmission methods. Each county, city, township, or village clerk
9 shall employ the prescribed electronic ballot formats to fulfill an
10 absent voter ballot request received from an absent uniformed
11 services voter or overseas voter who wishes to receive his or her
12 absent voter ballot through an electronic transmission. The
13 secretary of state shall establish procedures to implement the
14 requirements in this section and for the processing of a marked
15 absent voter ballot returned by an absent uniformed services voter
16 or overseas voter who obtained his or her absent voter ballot
17 through an electronic transmission.

18 (8) The secretary of state shall modify the printed statement
19 provided under section 761(4) and the absent voter ballot
20 instructions provided under section 764a as appropriate to
21 accommodate the procedures developed for electronically
22 transmitting an absent voter ballot to an absent uniformed services
23 voter or overseas voter. A statement shall be included in the
24 certificate signed by the absent voter who obtained his or her
25 absent voter ballot through an electronic transmission that the
26 secrecy of the absent voter ballot may be compromised during the
27 duplication process. The absent voter ballot instructions provided

1 to an absent uniformed services voter or overseas voter shall
2 include the proper procedures for returning the absent voter ballot
3 to the appropriate clerk.

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

6 (10) An absent uniformed services voter or an overseas voter
7 who submits an absent voter ballot application is eligible to vote
8 as an absent voter in any local, state, or federal election
9 occurring in the calendar year in which the election is held for
10 that ballot requested if the absent voter ballot application is
11 received by the county, city, village, or township clerk not later
12 than 2 p.m. of the Saturday before the election. A county, city, or
13 township clerk receiving an absent voter ballot application from an
14 absent uniformed services voter or overseas voter shall transmit to
15 a village clerk and the school district election coordinators,
16 where applicable, the necessary information to enable the village
17 clerk and school district election coordinators to forward an
18 absent voter ballot for each applicable election in that calendar
19 year to the absent voter. A village clerk receiving an absent voter
20 ballot application from an absent uniformed services voter or
21 overseas voter shall transmit to the township clerk and the school
22 district election coordinators, where applicable, the necessary
23 information to enable the city or township clerk and school
24 district election coordinators to forward an absent voter ballot
25 for each applicable election in that calendar year to the absent
26 voter. If the local elections official rejects a voter registration
27 application or absent voter ballot application submitted by an

1 absent uniformed services voter or overseas voter, the election
2 official shall notify the voter of the rejection.

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

7 (12) Under the uniformed and overseas citizens absentee voting
8 act, the state director of elections shall approve a ballot form
9 and registration procedures for absent uniformed services voters
10 and overseas voters.

11 (13) An absent uniformed services voter or an overseas voter
12 may use the federal write-in absentee ballot, in accordance with
13 the provisions of the uniformed and overseas citizens absentee
14 voting act, at a regular election or special election to vote for a
15 local, state, or federal office or on a ballot question. An absent
16 uniformed services voter or an overseas voter who uses the federal
17 write-in absentee ballot shall return his or her voted federal
18 write-in absentee ballot by mail to the appropriate clerk. The
19 state bureau of elections shall do both of the following:

20 (a) Make the ballot format for each election available to
21 absent uniformed services voters and overseas voters by electronic
22 mail or on an internet website maintained by the department of
23 state.

24 (b) Make the ballot information, including the offices, names
25 of candidates, and ballot proposals, for each election available to
26 absent uniformed services voters and overseas voters on an internet
27 website maintained by the department of state.

1 (14) The clerk of a city, village, or township shall submit to
2 the county clerk of the county in which that city, village, or
3 township is located a written statement no later than 45 days
4 before each election indicating whether absent voter ballots were
5 issued to absent uniformed services voters or overseas voters in
6 compliance with this section and the uniformed and overseas
7 citizens absentee voting act. The city, village, or township clerk
8 shall provide to the county clerk a written explanation describing
9 remedial actions taken by the city, village, or township clerk if
10 the city, village, or township clerk fails to comply with this
11 section and the uniformed and overseas citizens absentee voting
12 act. Not later than 42 days before each election, each county clerk
13 shall submit to the state bureau of elections a written report
14 compiled from the written statements submitted by the city,
15 village, and township clerks. The written report shall identify the
16 cities, villages, and townships that complied with the 45-day
17 deadline under this subsection, the cities, villages, and townships
18 that did not comply with the 45-day deadline under this subsection,
19 but provided a written explanation, and those cities, villages, and
20 townships that did not comply with the 45-day deadline under this
21 subsection and that did not provide a written explanation. The
22 state bureau of elections may require the clerk of a city, village,
23 or township that did not comply with the 45-day deadline under this
24 subsection, but provided a written explanation, to provide
25 additional information. The state bureau of elections shall require
26 the clerk of a city, village, or township that did not comply with
27 the 45-day deadline and that did not provide a written explanation

1 to file a written explanation, describing the remedial actions
2 taken by the city, village, or township clerk, within 1 business
3 day after the state bureau of elections notifies the clerk of that
4 city, village, or township.

5 (15) For a presidential primary election, the secretary of
6 state shall prescribe procedures for contacting an elector who is
7 an absent uniformed services voter or an overseas voter, as
8 described in this section, and who is eligible to receive an absent
9 voter ballot or who applies for an absent voter ballot for the
10 presidential primary election, offering the elector the opportunity
11 to select a political party ballot for the presidential primary
12 election.

13 (16) As used in this section:

14 (a) "Absent uniformed services voter" means any of the
15 following:

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

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

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

26 (b) "Member of the merchant marine" means an individual, other
27 than a member of a uniformed service or an individual employed,

1 enrolled, or maintained on the Great Lakes or the inland waterways,
2 who is either of the following:

3 (i) Employed as an officer or crew member of a vessel
4 documented under the laws of the United States, a vessel owned by
5 the United States, or a vessel of foreign-flag registry under
6 charter to or control of the United States.

7 (ii) Enrolled with the United States for employment or training
8 for employment, or maintained by the United States for emergency
9 relief service, as an officer or crew member of a vessel documented
10 under the laws of the United States, a vessel owned by the United
11 States, or a vessel of foreign-flag registry under charter to or
12 control of the United States.

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

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

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

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

24 (d) "Uniformed services" means the army, navy, air force,
25 marine corps, coast guard, the commissioned corps of the public
26 health service, the commissioned corps of the national oceanic and
27 atmospheric administration, a reserve component of a uniformed

1 service, or the Michigan national guard as defined in section 105
2 of the Michigan military act, 1967 PA 150, MCL 32.505.