

**SUBSTITUTE FOR
SENATE BILL NO. 656**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 509q, 758, 759, and 761 (MCL 168.509q,
168.758, 168.759, and 168.761), section 509q as amended by 2012 PA
586, section 758 as amended by 1996 PA 207, and sections 759 and
761 as amended by 2012 PA 523, and by adding sections 499b and
735a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 499B. THE VOTER REGISTRATION APPLICATION OF AN ELECTOR**
2 **WHO IS A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN THE**
3 **ADDRESS CONFIDENTIALITY PROGRAM ACT, IS CONFIDENTIAL AND NOT**
4 **SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA**
5 **442, MCL 15.231 TO 15.246.**

1 Sec. 509q. (1) ~~The~~ **SUBJECT TO SUBSECTION (2), THE** qualified
2 voter file ~~shall~~ **MUST** contain all of the following information for
3 each qualified voter:

4 (a) The name; residence address including house number and
5 street name or rural route and box number, and the apartment
6 number, if any; city; state; zip code; and date of birth.

7 (b) The ~~driver's~~ **DRIVER** license number or state personal
8 identification card number or similar number issued by a designated
9 voter registration agency.

10 (c) Jurisdictional information including county and city or
11 township; village, if any; metropolitan district, if any; and
12 school district.

13 (d) Precinct numbers and ward numbers, if any.

14 (e) Any other information that the secretary of state
15 determines is necessary to assess the eligibility of qualified
16 electors or to administer voter registration or other aspects of
17 the election process.

18 (f) Voting history for a 5-year period.

19 (g) The most recent digitized signature of an elector if
20 captured or reproduced by the secretary of state or a county, city,
21 or township clerk from a voter registration application ~~pursuant to~~
22 **UNDER** section 509hh, or captured or reproduced by the secretary of
23 state ~~pursuant to~~ **UNDER** section 307 of the Michigan vehicle code,
24 1949 PA 300, MCL 257.307.

25 **(2) IF A QUALIFIED VOTER IS A PROGRAM PARTICIPANT, AS THAT**
26 **TERM IS DEFINED IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THE**
27 **QUALIFIED VOTER FILE MUST ALSO CONTAIN THE PROGRAM PARTICIPANT'S**

1 UNIQUE IDENTIFICATION NUMBER ISSUED BY THE DEPARTMENT OF THE
2 ATTORNEY GENERAL.

3 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A
4 QUALIFIED VOTER IS A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED
5 IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THE INFORMATION
6 CONTAINED IN THE QUALIFIED VOTER FILE FOR THAT PROGRAM PARTICIPANT,
7 INCLUDING HIS OR HER UNIQUE IDENTIFICATION NUMBER ISSUED BY THE
8 DEPARTMENT OF THE ATTORNEY GENERAL, IS CONFIDENTIAL AND NOT SUBJECT
9 TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
10 MCL 15.231 TO 15.246. THE INFORMATION CONTAINED IN THE QUALIFIED
11 VOTER FILE FOR A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN
12 THE ADDRESS CONFIDENTIALITY PROGRAM ACT, MAY BE USED BY AN ELECTION
13 OFFICIAL DURING THE NORMAL COURSE OF HIS OR HER DUTIES AS AN
14 ELECTION OFFICIAL.

15 SEC. 735A. FOR A PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED
16 IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, ANY POLL LIST OR POLL
17 BOOK CREATED FOR OR USED AT AN ELECTION MUST ONLY CONTAIN THE NAME
18 OF THAT PROGRAM PARTICIPANT AND A NOTATION FOR THE PRECINCT
19 ELECTION INSPECTORS TO CONTACT THE CITY OR TOWNSHIP CLERK ON HOW TO
20 PROCESS THE ELECTOR WHO IS A PROGRAM PARTICIPANT.

21 Sec. 758. (1) For the purposes of this act, "absent voter"
22 means a qualified and registered elector who meets 1 or more of the
23 following requirements:

24 (a) On account of physical disability, cannot without
25 another's assistance attend the polls on the day of an election.

26 (b) On account of the tenets of his or her religion, cannot
27 attend the polls on the day of election.

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

4 (d) Is 60 years of age or older.

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

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

10 **(G) IS A PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY**
11 **PROGRAM AND PROVIDES HIS OR HER PROGRAM PARTICIPANT IDENTIFICATION**
12 **NUMBER.**

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

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

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

25 **(3) IF A QUALIFIED ELECTOR IS A PROGRAM PARTICIPANT, AS THAT**
26 **TERM IS DEFINED IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT, THEN**
27 **THAT QUALIFIED ELECTOR SHALL ONLY VOTE AN ABSENT VOTER BALLOT WHILE**

1 **HE OR SHE IS A PROGRAM PARTICIPANT.**

2 Sec. 759. (1) At any time during the 75 days before a primary
3 or special primary, but not later than 2 p.m. of the Saturday
4 immediately before the primary or special primary, an elector who
5 qualifies to vote as an absent voter, as defined in section 758,
6 may apply for an absent voter ballot. The elector shall apply in
7 person or by mail with the clerk of the township, city, or village
8 in which the elector is registered. An application received before
9 a primary or special primary may be for either that primary only,
10 or for that primary and the election that follows.

11 (2) Except as otherwise provided in subsection (1), at ~~anytime~~
12 **ANY TIME** during the 75 days before an election, but not later than
13 2 p.m. of the Saturday before the election, an elector who
14 qualifies to vote as an absent voter, as defined in section 758,
15 may apply for an absent voter ballot. The elector shall apply in
16 person or by mail with the clerk of the township, city, or village
17 in which the voter is registered.

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

20 (a) By a written request signed by the voter stating the
21 statutory grounds for making the application.

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

24 (c) On a federal postcard application.

25 (4) An applicant for an absent voter ballot shall sign the
26 application. A clerk or assistant clerk shall not deliver an absent
27 voter ballot to an applicant who does not sign the application. A

1 person shall not be in possession of a signed absent voter ballot
2 application except for the applicant; a member of the applicant's
3 immediate family; a person residing in the applicant's household; a
4 person whose job normally includes the handling of mail, but only
5 during the course of his or her employment; a registered elector
6 requested by the applicant to return the application; or a clerk,
7 assistant of the clerk, or other authorized election official. A
8 registered elector who is requested by the applicant to return his
9 or her absent voter ballot application shall sign the certificate
10 on the absent voter ballot application.

11 (5) The clerk of a city, township, or village shall have
12 absent voter ballot application forms available in the clerk's
13 office at all times and shall furnish an absent voter ballot
14 application form to anyone upon a verbal or written request. The
15 absent voter ballot application shall ~~shall~~ **MUST** be in substantially the
16 following form:

17 "Application for absent voter ballot for:

18 [] The primary or special primary election to be held on
19 _____ (Date).

20 [] The election to be held on _____ (Date).

21 (Check applicable election or elections)

22 I, , a United States
23 citizen and a qualified and registered elector of the
24 precinct of the township of or village of
25 or of the ward of the city of
26 , in the county of
27 and state of Michigan, apply for

1 an official ballot, or ballots, to be voted by me at the election
2 or elections as requested in this application.

3 The statutory grounds on which I base my request are:

4 [] I expect to be absent from the community in which I am
5 registered for the entire time the polls are open on election day.

6 [] I am physically unable to attend the polls without the
7 assistance of another.

8 [] I cannot attend the polls because of the tenets of my
9 religion.

10 [] I have been appointed an election precinct inspector in a
11 precinct other than the precinct where I reside.

12 [] I am 60 years of age or older.

13 [] I cannot attend the polls because I am confined to jail
14 awaiting arraignment or trial.

15 [] I AM A PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY
16 PROGRAM AND I AM PROVIDING MY PROGRAM PARTICIPANT IDENTIFICATION
17 NUMBER.

18 (Check applicable reason)

19 Send absent voter ballot to me at:

20

21 (Street No. or R.R. OR DESIGNATED ADDRESS)

22

23 (Post Office) (State) (Zip Code)

24 My registered address

25 (Street No. or R.R. OR PROGRAM PARTICIPANT IDENTIFICATION NUMBER)

26

27 (Post Office) (State) (Zip Code)

1 Date.....

2 I certify that I am a United States citizen and that
3 the statements in this absent voter ballot application
4 are true.

5
6 (Signature)

7 WARNING

8 You must be a United States citizen to vote. If you are not a
9 United States citizen, you will not be issued an absent voter
10 ballot.

11 A person making a false statement in this absent voter ballot
12 application is guilty of a misdemeanor. It is a violation of
13 Michigan election law for a person other than those listed in the
14 instructions to return, offer to return, agree to return, or
15 solicit to return your absent voter ballot application to the
16 clerk. An assistant authorized by the clerk who receives absent
17 voter ballot applications at a location other than the clerk's
18 office must have credentials signed by the clerk. Ask to see his or
19 her credentials before entrusting your application with a person
20 claiming to have the clerk's authorization to return your
21 application.

22 Certificate of Authorized Registered
23 Elector Returning Absent Voter
24 Ballot Application

25 I certify that my name is , my address is
26 , and my date of birth is ; that
27 I am delivering the absent voter ballot application of

1 at his or her request; that I did not solicit
2 or request to return the application; that I have not made any
3 markings on the application; that I have not altered the
4 application in any way; that I have not influenced the applicant;
5 and that I am aware that a false statement in this certificate is a
6 violation of Michigan election law.

7 _____
8 (Date) (Signature) "

9 (6) The following instructions for an applicant for an absent
10 voter ballot ~~shall~~**MUST** be included with each application furnished
11 an applicant:

12 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

13 Step 1. After completely filling out the application, sign and
14 date the application in the place designated. Your signature must
15 appear on the application or you will not receive an absent voter
16 ballot.

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

18 (a) Place the application in an envelope addressed to the
19 appropriate clerk and place the necessary postage upon the return
20 envelope and deposit it in the United States mail or with another
21 public postal service, express mail service, parcel post service,
22 or common carrier.

23 (b) Deliver the application personally to the clerk's office,
24 to the clerk, or to an authorized assistant of the clerk.

25 (c) In either (a) or (b), a member of the immediate family of

1 the voter including a father-in-law, mother-in-law, brother-in-law,
2 sister-in-law, son-in-law, daughter-in-law, grandparent, or
3 grandchild or a person residing in the voter's household may mail
4 or deliver the application to the clerk for the applicant.

5 (d) If an applicant cannot return the application in any of
6 the above methods, the applicant may select any registered elector
7 to return the application. The person returning the application
8 must sign and return the certificate at the bottom of the
9 application.

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

14 (8) A person who makes a false statement in an absent voter
15 ballot application is guilty of a misdemeanor. A person who forges
16 a signature on an absent voter ballot application is guilty of a
17 felony. A person who is not authorized in this act and who both
18 distributes absent voter ballot applications to absent voters and
19 returns those absent voter ballot applications to a clerk or
20 assistant of the clerk is guilty of a misdemeanor.

21 **(9) THE ABSENT VOTER BALLOT APPLICATION OF AN ELECTOR WHO IS A**
22 **PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN THE ADDRESS**
23 **CONFIDENTIALITY PROGRAM ACT, IS CONFIDENTIAL AND NOT SUBJECT TO**
24 **DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL**
25 **15.231 TO 15.246.**

26 Sec. 761. (1) If the clerk of a city, township, or village
27 receives an application for an absent voter ballot from a person

1 registered to vote in that city, township, or village and if the
2 signature on the application agrees with the signature for the
3 person contained in the qualified voter file or on the registration
4 card as required in subsection (2), the clerk immediately upon
5 receipt of the application or, if the application is received
6 before the printing of the absent voter ballots, as soon as the
7 ballots are received by the clerk, shall forward by mail, postage
8 prepaid, or shall deliver personally 1 of the ballots or set of
9 ballots if there is more than 1 kind of ballot to be voted to the
10 applicant. **IF THE CLERK OF A CITY OR TOWNSHIP RECEIVES AN**
11 **APPLICATION FOR AN ABSENT VOTER BALLOT FROM AN APPLICANT WHO IS A**
12 **PROGRAM PARTICIPANT, AS THAT TERM IS DEFINED IN THE ADDRESS**
13 **CONFIDENTIALITY PROGRAM ACT, THEN THE CITY OR TOWNSHIP CLERK SHALL**
14 **MAIL AN ABSENT VOTER BALLOT TO THAT PROGRAM PARTICIPANT AT THE**
15 **DESIGNATED ADDRESS PROVIDED TO THAT PROGRAM PARTICIPANT BY THE**
16 **DEPARTMENT OF THE ATTORNEY GENERAL UNDER THE ADDRESS**
17 **CONFIDENTIALITY PROGRAM ACT.** Subject to the identification
18 requirement in subsection (6), absent voter ballots may be
19 delivered to an applicant in person at the office of the clerk.

20 (2) The qualified voter file ~~shall~~**MUST** be used to determine
21 the genuineness of a signature on an application for an absent
22 voter ballot. Signature comparisons ~~shall~~**MUST** be made with the
23 digitized signature in the qualified voter file. If the qualified
24 voter file does not contain a digitized signature of an elector, or
25 is not accessible to the clerk, the city or township clerk shall
26 compare the signature appearing on the application for an absent
27 voter ballot to the signature contained on the master card.

1 (3) Notwithstanding section 759, providing that no absent
2 voter applications shall be received by the clerk after 2 p.m. on
3 the Saturday before the election, and subject to the identification
4 requirement in subsection (6), a person qualified to vote as an
5 absent voter may apply in person at the clerk's office before 4
6 p.m. on a day before the election except Sunday or a legal holiday
7 to vote as an absent voter. The applicant shall receive his or her
8 absent voter ballot and vote the ballot in the clerk's office. All
9 other absent voter ballots, except ballots delivered pursuant to an
10 emergency absent voter ballot application under section 759b, shall
11 be mailed or delivered to the registration address of the applicant
12 unless the application requests delivery to an address outside the
13 city, village, or township or to a hospital or similar institution,
14 in which case the absent voter ballots ~~shall~~**MUST** be mailed or
15 delivered to the address given in the application. However, a clerk
16 may mail or deliver an absent voter ballot, upon request of the
17 absent voter, to a post office box if the post office box is where
18 the absent voter normally receives personal mail and the absent
19 voter does not receive mail at his or her registration address.

20 (4) Absent voter ballots ~~shall~~**MUST** be issued in the same
21 order in which applications are received by the clerk of a city,
22 township, or village, as nearly as may be, and each ballot issued
23 ~~shall~~**MUST** bear the lowest number of each kind available for this
24 purpose. However, this provision does not prohibit a clerk from
25 immediately issuing an absent voter ballot to an absent voter who
26 applies in person in the clerk's office for absent voter ballots.
27 The clerk shall enclose with the ballot or ballots a return

1 envelope properly addressed to the clerk and bearing upon the back
2 of the envelope a printed statement in substantially the following
3 form:

4 TO BE COMPLETED
5 BY THE CLERK

6 _____	_____
7 Name of Voter	Street Address or R.R.
8	OR PROGRAM PARTICIPANT
9	IDENTIFICATION NUMBER
10 _____	_____
11 City, Township or Village	County
12 Ward _____ Precinct _____	Date of Election _____

13 =====

14 TO BE COMPLETED BY THE ABSENT VOTER

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

21 I further assert that this absent voter ballot is being
22 returned to the clerk or an assistant of the clerk by me
23 personally; by public postal service, express mail service, parcel
24 post service, or other common carrier; by a member of my immediate
25 family; or by a person residing in my household.

1 DATE: _____ SIGN HERE: X _____

2 Signature of Absent Voter

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

4 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
5 OF A MISDEMEANOR.

6 =====

7 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
8 BY ANOTHER PERSON

9 I assisted the above named absent voter who is disabled or
10 otherwise unable to mark the ballot in marking his or her absent
11 voter ballot pursuant to his or her directions. The absent voter
12 ballot was inserted in the return envelope without being exhibited
13 to any other person.

14 _____
15 Signature of Person Street Address City, Twp., or
16 Assisting Voter or R.R. Village
17 _____

18 Printed Name of Person Assisting Voter

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

21 =====

22 WARNING

23 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
24 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A
25 PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR
26 RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY
27 THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO

1 HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC
2 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR
3 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER
4 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
5 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
6 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER
7 BALLOT IS GUILTY OF A FELONY.

8 (5) An absent voter who knowingly makes a false statement on
9 the absent voter ballot return envelope is guilty of a misdemeanor.
10 A person who assists an absent voter and who knowingly makes a
11 false statement on the absent voter ballot return envelope is
12 guilty of a felony.

13 (6) If an elector obtains his or her absent voter ballot in
14 person from the clerk of the city, township, or village in which he
15 or she is registered, the clerk of the city, township, or village
16 shall not provide an absent voter ballot to that elector until the
17 elector identifies himself or herself to the clerk by presenting an
18 official state identification card issued to that elector under
19 1972 PA 222, MCL 28.291 to 28.300, an operator's or chauffeur's
20 license issued to that elector under the Michigan vehicle code,
21 1949 PA 300, MCL 257.1 to 257.923, or other generally recognized
22 picture identification card. If an elector does not have an
23 official state identification card, operator's or chauffeur's
24 license, or other generally recognized picture identification card,
25 the elector may sign an affidavit to that effect before the clerk
26 of the city, township, or village and be allowed to obtain his or
27 her absent voter ballot in person from the clerk. The clerk of the

1 city, village, or township shall indicate to each elector who
2 obtains his or her absent voter ballot in person from the clerk
3 that the elector may sign an affidavit indicating that the elector
4 does not have an official state identification card, operator's or
5 chauffeur's license, or other generally recognized picture
6 identification card in order to obtain his or her absent voter
7 ballot in person from the clerk. However, if an elector obtains his
8 or her absent voter ballot in person from the clerk and votes by
9 absent voter ballot without providing the identification required
10 under this subsection, the absent voter ballot of that elector
11 ~~shall~~**MUST** be prepared as a challenged ballot as provided in
12 section 727 and ~~shall~~**MUST** be counted as any other ballot is
13 counted unless determined otherwise by a court of law under section
14 747 or 748 or any other applicable law.

15 Enacting section 1. This amendatory act takes effect 180 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 655 of the 99th Legislature is enacted into
19 law.