HOUSE BILL No. 4034

January 12, 2017, Introduced by Reps. Ellison, Wittenberg, Hammoud, Yanez, Moss, Chirkun, Geiss, Hertel, Jones, Cochran, Neeley, Green and Lasinski and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 759 (MCL 168.759), as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 759. (1) At any time during the 75 days before a primary

2 or special primary, but not later than 2 p.m. of the Saturday

3 immediately before the primary or special primary, an elector who

4 ~~qualifies~~ **WANTS** to vote as an absent voter ~~, as defined in section~~

5 ~~758,~~ may apply for an absent voter ballot. The elector shall apply

6 in person or by mail with the clerk of the township, city, or

7 village in which the elector is registered. An application received

8 before a primary or special primary may be for either that primary

9 only, or for that primary and the election that follows.

10   (2) Except as otherwise provided in subsection (1), at ~~anytime~~

11 **ANY TIME** during the 75 days before an election, but not later than

1 2 p.m. of the Saturday before the election, an elector who

2 ~~qualifies~~ **WANTS** to vote as an absent voter ~~, as defined in section~~

3 ~~758,~~ may apply for an absent voter ballot. The elector shall apply

4 in person or by mail with the clerk of the township, city, or

5 village in which the voter is registered.

6   (3) An application for an absent voter ballot under this

7 section may be made in any of the following ways:

8   (a) By a written request signed by the ~~voter stating the~~

9 ~~statutory grounds for making the application.~~**ELECTOR.**

10   (b) On an absent voter ballot application form provided for

11 that purpose by the clerk of the city, township, or village.

12   (c) On a federal postcard application.

13   (4) An applicant for an absent voter ballot shall sign the

14 application. A clerk or assistant clerk shall not deliver an absent

15 voter ballot to an applicant who does not sign the application. A

16 person shall not be in possession of a signed absent voter ballot

17 application except for the applicant; a member of the applicant's

18 immediate family; a person residing in the applicant's household; a

19 person whose job normally includes the handling of mail, but only

20 during the course of his or her employment; a registered elector

21 requested by the applicant to return the application; or a clerk,

22 assistant of the clerk, or other authorized election official. A

23 registered elector who is requested by the applicant to return his

24 or her absent voter ballot application shall sign the certificate

25 on the absent voter ballot application.

26   (5) The clerk of a city, township, or village shall have

27 absent voter ballot application forms available in the clerk's

1 office at all times and shall furnish an absent voter ballot

2 application form to anyone upon a verbal or written request. The

3 absent voter ballot application ~~shall~~ **MUST** be in substantially the

4 following form:

5   "Application for absent voter ballot for:

6   [ ] The primary or special primary election to be held on

7 _____ (Date).

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

9   (Check applicable election or elections)

10   I, ... , a United States

11 citizen and a qualified and registered elector of the ....

12 precinct of the township of .... or village of ....

13 or of the .... ward of the city of

14 .... , in the county of

15 .... and state of Michigan, apply for

16 an official ballot, or ballots, to be voted by me at the election

17 or elections as requested in this application.

18 ~~The statutory grounds on which I base my request are:~~

19 ~~[ ] I expect to be absent from the community in which I am~~

20 ~~registered for the entire time the polls are open on election day.~~

21 ~~[ ] I am physically unable to attend the polls without the~~

22 ~~assistance of another.~~

23 ~~[ ] I cannot attend the polls because of the tenets of my~~

24 ~~religion.~~

25 ~~[ ] I have been appointed an election precinct inspector in a~~

26 ~~precinct other than the precinct where I reside.~~

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

1 ~~[ ] I cannot attend the polls because I am confined to jail~~

2 ~~awaiting arraignment or trial.~~

3 ~~(Check applicable reason)~~

4 Send absent voter ballot to me at:

5 ....
6   (Street No. or R.R.)

7 ....
8 (Post Office)   (State) (Zip Code)

9   My registered address ....
10   (Street No. or R.R.)

11   ....
12   (Post Office)   (State) (Zip Code)

13 Date...

14 I certify that I am a United States citizen and that

15 the statements in this absent voter ballot application

16 are true.

17   ....
18   (Signature)

19 <u>WARNING</u>

20   You must be a United States citizen to vote. If you are not a

21 United States citizen, you will not be issued an absent voter

22 ballot.

23   A person making a false statement in this absent voter ballot

24 application is guilty of a misdemeanor. It is a violation of

25 Michigan election law for a person other than those listed in the

26 instructions to return, offer to return, agree to return, or

1 solicit to return your absent voter ballot application to the

2 clerk. An assistant authorized by the clerk who receives absent

3 voter ballot applications at a location other than the clerk's

4 office must have credentials signed by the clerk. Ask to see his or

5 her credentials before entrusting your application with a person

6 claiming to have the clerk's authorization to return your

7 application.

8   Certificate of Authorized Registered

9   Elector Returning Absent Voter

10   Ballot Application

11   I certify that my name is .... , my address is

12 .... , and my date of birth is .... ; that

13 I am delivering the absent voter ballot application of

14 .... at his or her request; that I did not solicit

15 or request to return the application; that I have not made any

16 markings on the application; that I have not altered the

17 application in any way; that I have not influenced the applicant;

18 and that I am aware that a false statement in this certificate is a

19 violation of Michigan election law.

20
21   (Date)   (Signature)"

22   (6) The following instructions for an applicant for an absent

23 voter ballot ~~shall~~ **MUST** be included with each application furnished

24 an applicant:

25   INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

2 date the application in the place designated. Your signature must

3 appear on the application or you will not receive an absent voter

4 ballot.

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

6   (a) Place the application in an envelope addressed to the

7 appropriate clerk and place the necessary postage upon the return

8 envelope and deposit it in the United States mail or with another

9 public postal service, express mail service, parcel post service,

10 or common carrier.

11   (b) Deliver the application personally to the clerk's office,

12 to the clerk, or to an authorized assistant of the clerk.

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

14 the voter including a father-in-law, mother-in-law, brother-in-law,

15 sister-in-law, son-in-law, daughter-in-law, grandparent, or

16 grandchild or a person residing in the voter's household may mail

17 or deliver the application to the clerk for the applicant.

18   (d) If an applicant cannot return the application in any of

19 the above methods, the applicant may select any registered elector

20 to return the application. The person returning the application

21 must sign and return the certificate at the bottom of the

22 application.

23   (7) A person who prints and distributes absent voter ballot

24 applications shall print on the application the warning,

25 certificate of authorized registered elector returning absent voter

26 ballot application, and instructions required by this section.

27   (8) A person who makes a false statement in an absent voter

1 ballot application is guilty of a misdemeanor. A person who forges

2 a signature on an absent voter ballot application is guilty of a

3 felony. A person who is not authorized in this act and who both

4 distributes absent voter ballot applications to absent voters and

5 returns those absent voter ballot applications to a clerk or

6 assistant of the clerk is guilty of a misdemeanor.

7   Enacting section 1. This amendatory act takes effect 90 days

8 after the date it is enacted into law.

9   Enacting section 2. This amendatory act does not take effect

10 unless all of the following bills of the 99th Legislature are

11 enacted into law:

12   (a) Senate Bill No.____ or House Bill No. 4034 (request no.

13 00441'17).

14   (b) Senate Bill No.____ or House Bill No. 4035 (request no.

15 01051'17).