

# HOUSE BILL NO. 4725

June 08, 2023, Introduced by Reps. Bollin, Wendzel, St. Germaine, Prestin, Smit, Aragona, Johnsen, Bierlein, Bezotte, Borton, Steele, Carra, Martin, Hoadley, Cavitt, Friske, Rigas, Lightner, VanderWall and DeBoyer and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

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

1           Sec. 759. (1) Subject to section 761(3), at any time during  
2 the 75 days before a primary or special primary, but not later than  
3 8 p.m. on the day of a primary or special primary, an elector may  
4 apply for an absent voter ballot. The elector shall apply in person  
5 or by mail with the clerk of the township or city in which the  
6 elector is registered. The clerk of a city or township shall not

1 send by first-class mail an absent voter ballot to an elector after  
2 5 p.m. on the Friday immediately before the election. Except as  
3 otherwise provided in section 761(2), the clerk of a city or  
4 township shall not issue an absent voter ballot to a registered  
5 elector in that city or township after 4 p.m. on the day before the  
6 election. An application received before a primary or special  
7 primary may be for either that primary only, or for that primary  
8 and the election that follows. An individual may submit a voter  
9 registration application and an absent voter ballot application at  
10 the same time if applying in person with the clerk or deputy clerk  
11 of the city or township in which the individual resides.  
12 Immediately after ~~his or her~~ **the individual's** voter registration  
13 application and absent voter ballot application are approved by the  
14 clerk or deputy clerk, the individual may, subject to the  
15 identification requirement in section 761(6), complete an absent  
16 voter ballot at the clerk's office.

17 (2) Except as otherwise provided in subsection (1) and subject  
18 to section 761(3), at any time during the 75 days before an  
19 election, but not later than 8 p.m. on the day of an election, an  
20 elector may apply for an absent voter ballot. The elector shall  
21 apply in person or by mail with the clerk of the township, city, or  
22 village in which the voter is registered. The clerk of a city or  
23 township shall not send by first-class mail an absent voter ballot  
24 to an elector after 5 p.m. on the Friday immediately before the  
25 election. Except as otherwise provided in section 761(2), the clerk  
26 of a city or township shall not issue an absent voter ballot to a  
27 registered elector in that city or township after 4 p.m. on the day  
28 before the election. An individual may submit a voter registration  
29 application and an absent voter ballot application at the same time

1 if applying in person with the clerk or deputy clerk of the city or  
2 township in which the individual resides. Immediately after ~~his or~~  
3 ~~her~~ **the individual's** voter registration application and absent  
4 voter ballot application are approved by the clerk, the individual  
5 may, subject to the identification requirement in section 761(6),  
6 complete an absent voter ballot at the clerk's office.

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

9 (a) By a written request signed by the voter.

10 (b) On an absent voter ballot application form provided for  
11 that purpose by the clerk of the city or township.

12 (c) On a federal postcard application.

13 (4) An applicant for an absent voter ballot shall sign the  
14 application. Subject to section 761(2), a clerk or assistant clerk  
15 shall not deliver an absent voter ballot to an applicant who does  
16 not sign the application. ~~A person~~ **An individual** shall not be in  
17 possession of a signed absent voter ballot application except for  
18 the applicant; a member of the applicant's immediate family; a  
19 ~~person~~ **an individual** residing in the applicant's household; a  
20 ~~person~~ **an individual** whose job normally includes the handling of  
21 mail, but only during the course of ~~his or her~~ **the individual's**  
22 employment; a registered elector requested by the applicant to  
23 return the application; or a clerk, assistant of the clerk, or  
24 other authorized election official. A registered elector who is  
25 requested by the applicant to return ~~his or her~~ **the applicant's**  
26 absent voter ballot application shall sign the certificate on the  
27 absent voter ballot application.

28 (5) The clerk of a city or township shall have absent voter  
29 ballot application forms available in the clerk's office at all

1 times and shall furnish an absent voter ballot application form to  
2 anyone upon a verbal or written request. The absent voter ballot  
3 application must be in substantially the following form:

4 "Application for absent voter ballot for:

5 [ ] The primary or special primary election to be held on  
6 \_\_\_\_\_ (Date).

7 [ ] The election to be held on \_\_\_\_\_ (Date).

8 (Check applicable election or elections)

9 I, ..... , a United States  
10 citizen and a qualified and registered elector of the .....  
11 precinct of the township of ..... or of the .....  
12 ward of the city of ..... , in the  
13 county of ..... and state of Michigan,  
14 apply for an official ballot, or ballots, to be voted by me at the  
15 election or elections as requested in this application.

16 Send absent voter ballot to me at:

17 .....

18 (Street No. or R.R. or Designated Address)

19 .....

20 (Post Office) (State) (Zip Code)

21 My registered address .....

22 (Street No. or R.R. or Participant

23 Identification Number)

24 .....

25 (Post Office) (State) (Zip Code)

26 Date.....

27 I certify that I am a United States citizen and that  
28 the statements in this absent voter ballot application  
29 are true.

1 .....  
2 (Signature)

3 WARNING

4 You must be a United States citizen to vote. If you are not a  
5 United States citizen, you will not be issued an absent voter  
6 ballot.

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

20 Certificate of Authorized Registered  
21 Elector Returning Absent Voter  
22 Ballot Application

23 I certify that my name is ..... , my address is  
24 ..... , and my date of birth is ..... ; that  
25 I am delivering the absent voter ballot application of  
26 ..... at ~~his or her~~ **the applicant's** request; that I  
27 did not solicit or request to return the application; that I have  
28 not made any markings on the application; that I have not altered  
29 the application in any way; that I have not influenced the

1 applicant; and that I am aware that a false statement in this  
 2 certificate is a violation of Michigan election law.

3 \_\_\_\_\_  
 4 (Date) (Signature)"

5 (6) The following instructions for an applicant for an absent  
 6 voter ballot must be included with each application furnished an  
 7 applicant:

8 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

9 Step 1. After completely filling out the application, sign and  
 10 date the application in the place designated. Your signature must  
 11 appear on the application or you may not receive an absent voter  
 12 ballot.

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

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

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

21 (c) In either (a) or (b), a member of the immediate family of  
 22 the voter including a father-in-law, mother-in-law, brother-in-law,  
 23 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
 24 grandchild or ~~a person~~ **an individual** residing in the voter's  
 25 household may mail or deliver the application to the clerk for the  
 26 applicant.

27 (d) If an applicant cannot return the application in any of  
 28 the above methods, the applicant may select any registered elector  
 29 to return the application. The ~~person~~ **individual** returning the

1 application must sign and return the certificate at the bottom of  
2 the application.

3 (7) ~~A person~~ **An individual** who prints and distributes absent  
4 voter ballot applications shall print on the application the  
5 warning, certificate of authorized registered elector returning  
6 absent voter ballot application, and instructions required by this  
7 section.

8 (8) ~~A person who makes a false statement in an absent voter~~  
9 ~~ballot application is guilty of a misdemeanor. A person who forges~~  
10 ~~a signature on an absent voter ballot application is guilty of a~~  
11 ~~felony.~~ **An individual** who is not authorized in this act  
12 and who both distributes absent voter ballot applications to absent  
13 voters and returns those absent voter ballot applications to a  
14 clerk or assistant of the clerk is guilty of a misdemeanor.

15 (9) The absent voter ballot application of an elector who is a  
16 program participant, as that term is defined in **section 3 of** the  
17 address confidentiality program act, **2020 PA 301, MCL 780.853**, is  
18 confidential and not subject to disclosure under the freedom of  
19 information act, 1976 PA 442, MCL 15.231 to 15.246.

20 (10) **Except as otherwise expressly authorized by law, an**  
21 **individual who knowingly fills out an absent voter ballot**  
22 **application and who, without consent, submits or causes to be**  
23 **submitted that absent voter ballot application containing or using**  
24 **another individual's name and personal identification information**  
25 **is guilty of a felony.**

26 (11) **An individual who knowingly fills out and submits or**  
27 **causes to be submitted an absent voter ballot application with the**  
28 **intent to obtain multiple absent voter ballots for an individual is**  
29 **guilty of a felony.**

1           (12) An individual who knowingly submits an absent voter  
2 ballot application containing false information or a forged  
3 signature is guilty of a felony.