



HOUSE BILL No. 5717

September 13, 1994, Introduced by Reps Hammerstrom and Brackenridge and referred to the Committee on Local Government

A bill to amend sections 758 758c 759 759b, 761, 764a, 764b, 769 931, 932 and 942 of Act No 116 of the Public Acts of 1954 entitled

Michigan election law,
section 758c as added by Act No 172 of the Public Acts of 1982, sections 759 and 932 as amended and sections 764a and 764b as added by Act No 201 of the Public Acts of 1982, section 761 as amended by Act No 140 of the Public Acts of 1980, and section 931 as amended by Act No 113 of the Public Acts of 1984, being sections 168 758, 168 758c, 168 759 168 759b, 168 761 168 764a, 168 764b, 168 769, 168 931, 168 932, and 168 942 of the Michigan Compiled Laws and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 758, 758c, 759 759b, 761, 764a 764b,
2 769, 931, 932, and 942 of Act No 116 of the Public Acts of 1954

1 section 758c as added by Act No 172 of the Public Acts of 1982
 2 sections 759 and 932 as amended and sections 764a and 764b as
 3 added by Act No 201 of the Public Acts of 1982, section 761 as
 4 amended by Act No 140 of the Public Acts of 1980 and
 5 section 931 as amended by Act No 113 of the Public Acts of 1984
 6 being sections 168 758 168 758c 168 759 168 759b 168 761
 7 168 764a 168 764b 168 769 168 931 168 932 and 168 942 of the
 8 Michigan Compiled Laws are amended to read as follows

9 Sec 758 ~~(1) For the purposes of~~ AS USED IN this act
 10 absent voter means a qualified and registered elector ~~—(a)~~
 11 ~~Who, on account of physical disability, cannot without another's~~
 12 ~~assistance attend the polls on the day of an election —(b) Who,~~
 13 ~~on account of the tenets of his religion, cannot attend the polls~~
 14 ~~on the day of election —(c) Who cannot attend the polls on the~~
 15 ~~day of an election in the precinct in which he resides because of~~
 16 ~~being an election precinct inspector in another precinct —(d)~~
 17 ~~Who is 60 years of age or more —(e) Who is absent or expects to~~
 18 ~~be absent from the township or city in which he or she resides~~
 19 ~~during the entire period the polls are open for voting on the day~~
 20 ~~of an election —(f) Who cannot attend the polls on election day~~
 21 ~~because of being confined in jail awaiting arraignment or trial~~
 22 ~~(2) Subsection (1) shall not be applicable to~~ ABSENT VOTER DOES
 23 NOT INCLUDE a person who ~~has moved~~ MOVES to another state
 24 regardless of length of residence ~~therein~~ IN THAT STATE, and
 25 who no longer maintains ~~an actual~~ A residence in ~~Michigan~~
 26 THIS STATE The storage of personal effects or household goods
 27 the ownership of property ~~which~~ THAT is rented or leased to

1 others or occasional brief visits to a former Michigan domicile
 2 while residing elsewhere for most of the year ~~shall~~ DO not con-
 3 stitute a residence for voting purposes in this state except as
 4 defined in section 1 of article ~~2~~ II of the state constitution
 5 of 1963 and statutes enacted ~~thereunder,~~ UNDER THAT SECTION and
 6 except IN THE CASE OF former residents of ~~Michigan~~ THIS STATE
 7 WHO ARE domiciled in the District of Columbia ~~,~~ or ~~to former~~
 8 ~~residents~~ who are serving in the United States army navy, mer-
 9 chant marine marine corps or air force

10 Sec 758c (1) A qualified and registered elector who is a
 11 resident of a community college district and whose election pre-
 12 cinct that is within the community college district contains
 13 less than 50 registered electors shall be considered an absent
 14 voter under this act for purposes of a special election of a com-
 15 munity college district that is not held in conjunction with any
 16 other state or local election

17 (2) The local unit of government conducting ~~such an~~ THE
 18 SPECIAL election shall mail by first class mail an absent
 19 ~~voters~~ VOTER ballot to each elector considered an absent voter
 20 under this section This mailing shall also include the separate
 21 printed instructions prescribed by section ~~764~~ 764A Mailings
 22 pursuant to this section shall be made not less than 20 days nor
 23 more than 30 days before the election

24 (3) Election precincts to which this section applies ~~shall~~
 25 ARE not ~~be~~ required to be open for any community college dis-
 26 trict special election for which ballots were mailed pursuant to
 27 this section

1 Sec 759 (1) At any time during the 75 days ~~preceding~~
 2 BEFORE a primary or special primary but not later than 2 p m of
 3 the Saturday immediately before the primary or special primary a
 4 voter who qualifies to vote as an absent voter as defined in
 5 section 758 may apply ~~to~~ FOR AN ABSENT VOTER BALLOT THE
 6 VOTER SHALL APPLY IN PERSON OR BY MAIL WITH THE CLERK OF the
 7 township city or village ~~clerk, either in person or by mail,~~
 8 ~~to vote absentee~~ IN WHICH THE VOTER IS REGISTERED An applica-
 9 tion received before a primary or special primary may be for
 10 either that primary only or for that primary and the election
 11 ~~which~~ THAT follows

12 (2) ~~At~~ EXCEPT AS PROVIDED IN SUBSECTION (1) AT any time
 13 during the 75 days ~~preceding any other~~ BEFORE AN election but
 14 not later than 2 p m of the Saturday before the election a
 15 voter who qualifies to vote as an absent voter as defined in
 16 section 758, may apply ~~to~~ FOR AN ABSENT VOTER BALLOT THE
 17 VOTER SHALL APPLY IN PERSON OR BY MAIL WITH THE CLERK OF the
 18 township city or village ~~clerk either in person or by mail,~~
 19 ~~to vote absentee~~ IN WHICH THE VOTER IS REGISTERED

20 (3) ~~An application~~ A REGISTERED ELECTOR MAY APPLY FOR AN
 21 ABSENT VOTER BALLOT under this section ~~may be made~~ in any of
 22 the following ways

23 (a) By a written request signed by the ~~voter stating the~~
 24 ~~statutory grounds for making the application~~ ELECTOR

25 (b) On an ABSENT VOTER BALLOT application form provided for
 26 that purpose by the clerk of the city, township, or village

1 (c) On a federal postcard application

2 (4) The clerk of the city, township, or village shall have
 3 ABSENT VOTER BALLOT application forms available in the office of
 4 the clerk at all times and shall furnish an ABSENT VOTER BALLOT
 5 application form to anyone upon a verbal or written request THE
 6 SECRETARY OF STATE MAY PRESCRIBE THE FORM OF THE APPLICATION FOR
 7 THE ABSENT VOTER BALLOT The ABSENT VOTER BALLOT application
 8 shall be in substantially the following form and shall be signed
 9 by the applicant

10 'Application for absent ~~voter's~~ VOTER ballot for

11 [] The primary or special primary election to be held

12 on , 19

13 [] The election to be held on , 19

14 (Check applicable election or elections)

15 I, , a duly qualified and registered elector of

16 the precinct of the township of or village

17 of or of the ward of the city

18 of , in the county of and state of

19 Michigan ~~make application~~ APPLY for an official ballot or

20 ballots, to be voted by me at the election or elections as

21 requested in this application

22 ~~The statutory grounds on which I base my request are~~

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

24 ~~registered for the entire time the polls are open on election~~

25 ~~day~~

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

27 ~~assistance of another~~

1 ~~{ } I cannot attend the polls because of the tenets of my~~
2 religion-

3 ~~{ } I have been appointed an election precinct inspector in a~~
4 precinct other than the precinct where I reside-

5 ~~{ } I am 60 years of age or older-~~

6 ~~{ } I cannot attend the polls because I am confined to jail~~
7 awaiting arraignment or trial-

8 ~~(Check applicable reason)-~~

9 Send absent ~~voter's~~ VOTER ballot to me at

10

11 (Street No or R R)

12

13 (Post Office) (State)

14 My registered address

15 (Street No or R R)

16

17 (Post Office) (State)

18 Date

19 I declare the ~~foregoing~~ statements ~~to be~~ IN THIS ABSENT
20 VOTER BALLOT APPLICATION ARE true

21

22 (Signature)

23 A person ~~making~~ WHO MAKES a false statement in this decla-
24 ration is guilty of a misdemeanor

25 (5) A person who makes a false statement in an ABSENT VOTER
26 BALLOT application ~~for an absent voter's ballot~~ is guilty of a
27 misdemeanor

1 (6) A PERSON WHO SOLICITS AN ABSENT VOTER TO RETURN A
 2 COMPLETED ABSENT VOTER BALLOT APPLICATION TO A PERSON OTHER THAN
 3 A CITY TOWNSHIP OR VILLAGE CLERK IS GUILTY OF A MISDEMEANOR

4 (7) A PERSON WHO PRINTS OR CAUSES TO BE PRINTED ON AN ABSENT
 5 VOTER BALLOT APPLICATION ANY MATERIAL ADVOCATING THE NOMINATION
 6 ELECTION, OR RECALL OF A CANDIDATE OR PUBLIC OFFICIAL IS GUILTY
 7 OF A MISDEMEANOR

8 Sec 759b (1) ~~Any~~ A registered elector may apply for AN
 9 absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4
 10 p m on election day if ~~he shall have~~ THE VOTER HAS become
 11 physically disabled or ~~shall be~~ IS OTHERWISE UNABLE TO PHYSI-
 12 CALLY VOTE IN PERSON OR WILL BE absent from the city or township
 13 ~~because of sickness or death in the family which has occurred~~
 14 ON ELECTION DAY AND HAS LEARNED OF THIS ABSENCE FROM THE CITY OR
 15 TOWNSHIP at a time ~~which has~~ THAT made it impossible to apply
 16 for absent voter ballots by the ~~statutory~~ deadline IN SECTION
 17 759 The application shall be called an emergency absent voter
 18 BALLOT application

19 (2) Emergency absent voter BALLOT applications may be made
 20 by letter or on a form provided by the clerk The application
 21 shall set forth that the voter is qualified to vote in the elec-
 22 tion ~~stating the statutory reason for applying for an emer-~~
 23 ~~gency absent voter ballot~~ and that the ~~reason for applying~~
 24 ~~after the statutory deadline~~ REASON DESCRIBED IN SUBSECTION (1)
 25 occurred at such a time to make it impossible to file an applica-
 26 tion for AN absent voter ~~ballots~~ BALLOT by the ~~statutory~~
 27 deadline IN SECTION 759

1 (3) ~~Any~~ A person intentionally making a false statement in
 2 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of
 3 a felony ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person
 4 to make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER
 5 BALLOT application is guilty of a felony

6 (4) Upon receipt by the clerk of a valid application for an
 7 emergency absent voter ballot the clerk may deliver the ABSENT
 8 VOTER ballots to the applicant in person, through a deputy or an
 9 election assistant or ~~he may deliver them~~ at his OR HER office
 10 to a person named by the applicant in the EMERGENCY ABSENT VOTER
 11 BALLOT application The ABSENT voter ~~may~~ SHALL return the bal-
 12 lots to the clerk in the sealed envelope provided ~~therefor~~ FOR
 13 THAT REASON THE ABSENT VOTER MAY RETURN THE ABSENT VOTER BAL-
 14 LOTS TO THE CLERK in any manner ~~he sees fit~~ ~~To~~ HOWEVER TO
 15 be valid THE ABSENT VOTER ballots ~~must~~ SHALL be returned to
 16 the clerk in time to be delivered to the polls ~~prior to~~ BEFORE
 17 8 p m on election day

18 Sec 761 (1) ~~The~~ IF THE CLERK OF A city township or
 19 village ~~clerk forthwith~~ RECEIVES AN APPLICATION FOR AN ABSENT
 20 VOTER BALLOT FROM A PERSON REGISTERED TO VOTE IN THAT CITY TOWN-
 21 SHIP OR VILLAGE AND IF THE SIGNATURE ON THE APPLICATION AGREES
 22 WITH THE SIGNATURE ON THE REGISTRATION CARD, THE CLERK
 23 IMMEDIATELY upon receipt of ~~an~~ THE application ~~for absentee~~
 24 ~~ballots,~~ or, if the application is received ~~prior to~~ BEFORE
 25 the printing of the ~~absentee~~ ABSENT VOTER ballots, as soon as
 26 the ballots are received by the clerk shall forward by mail
 27 postage prepaid, or shall deliver personally 1 of the ballots ~~—~~

1 or set of ballots — if there ~~are~~ IS more than 1 kind of
 2 ballot to be voted ~~7~~ to ~~each qualified~~ THE applicant ~~for~~
 3 ~~absent voter's ballots from his city, township or village, if the~~
 4 ~~applicant is properly registered and if the signature on the~~
 5 ~~application agrees with the signature on the registration card~~
 6 Absent ~~voter's~~ VOTER ballots may be delivered to ~~the~~ AN
 7 applicant in person at the office of the clerk ~~notwithstanding~~
 8 ~~the provision of~~

9 (2) NOTWITHSTANDING section 759, providing that no
 10 ~~absentee~~ ABSENT VOTER applications shall be received by the
 11 clerk after 2 p m on the Saturday ~~prior to~~ BEFORE the elec-
 12 tion ~~persons~~ A PERSON qualified to vote ~~absentee~~ AS AN
 13 ABSENT VOTER may apply ~~to vote absentee~~ in person at the
 14 clerk s office ~~prior to~~ BEFORE 4 p m on a day preceding the
 15 election except SATURDAY Sunday or A legal holiday TO VOTE AS
 16 AN ABSENT VOTER ~~Such applicants, if qualified,~~ THE APPLICANT
 17 shall receive ~~their ballots~~ HIS OR HER ABSENT VOTER BALLOT and
 18 vote the ~~same~~ BALLOT in the clerk s office All other absent
 19 ~~voter's~~ VOTER ballots ~~excepting~~ EXCEPT BALLOTS DELIVERED
 20 PURSUANT TO AN emergency ~~absentee~~ ABSENT VOTER ballot
 21 ~~applications~~ APPLICATION shall be mailed or delivered to the
 22 registration address of the applicant unless the application
 23 requests delivery to an address outside the city, VILLAGE, or
 24 township or to a hospital or similar institution, in which case
 25 the ABSENT VOTER ballots shall be mailed or delivered to the
 26 address given in the application HOWEVER, A CLERK MAY MAIL OR
 27 DELIVER AN ABSENT VOTER BALLOT, UPON REQUEST OF THE ABSENT VOTER

1 TO A POST OFFICE BOX IF THE POST OFFICE BOX IS WHERE THE ABSENT
 2 VOTER NORMALLY RECEIVES PERSONAL MAIL AND THE ABSENT VOTER DOES
 3 NOT RECEIVE MAIL AT HIS OR HER REGISTRATION ADDRESS

4 (3) Absent ~~voters~~ VOTER ballots shall be issued in the
 5 same order in which applications are received by the clerk of
 6 ~~any~~ A city township or village as nearly as may be and each
 7 ballot ~~so furnished~~ ISSUED shall bear the lowest number of each
 8 kind available for this purpose HOWEVER THIS PROVISION DOES
 9 NOT PROHIBIT A CLERK FROM ISSUING AN ABSENT VOTER BALLOT TO AN
 10 ABSENT VOTER WHO APPLIES IN PERSON IN THE CLERK S OFFICE FOR
 11 ABSENT VOTER BALLOTS The clerk shall enclose with ~~such~~ THE
 12 ballot or ballots a return envelope properly addressed to
 13 ~~himself~~ THE CLERK and bearing upon the back ~~thereof~~ OF THE
 14 ENVELOPE a printed statement in substantially the following
 15 form

16 TO BE COMPLETED
 17 BY THE CLERK

18 _____
 19 Name of Voter Street Address or R R
 20 _____
 21 City, Township, or Village County
 22 Ward _____ Precinct _____ Date of Election _____

23 =====
 24 TO BE COMPLETED BY THE ABSENT VOTER
 25

26 ~~The undersigned asserts~~ I ASSERT that ~~he is~~ I AM a
 27 legally registered and qualified elector of the ~~Municipality~~
 28 CITY TOWNSHIP OR VILLAGE indicated above, that ~~he is~~ I AM
 29 voting ~~absentee~~ AS AN ABSENT VOTER in conformity with statutory
 30 ~~restatements~~ REQUIREMENTS for so voting and that unless

1 indicated to the contrary below, the ballots were marked by ~~him~~
 2 ME personally and enclosed in this envelope without being exhib-
 3 ited to any other person

4 I FURTHER ASSERT THAT THIS ABSENT VOTER BALLOT IS BEING
 5 RETURNED TO THE CLERK OR ASSISTANT CLERK BY ME PERSONALLY, BY
 6 PUBLIC OR PRIVATE MAIL DELIVERY SERVICE, OR BY A MEMBER OF MY
 7 IMMEDIATE FAMILY OR A PERSON RESIDING IN MY HOUSEHOLD

8 X
 9 Signature of ~~Absentee~~ ABSENT Voter

10 The above form must be signed or your vote will not be counted
 11 AN ABSENT VOTER WHO MAKES A FALSE STATEMENT IS GUILTY OF A
 12 MISDEMEANOR

13 =====
 14 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
 15 BY ANOTHER PERSON

16 ~~Assisted~~ I ASSISTED the above named disabled voter in
 17 marking his OR HER ballots ~~in accordance with~~ PURSUANT TO his
 18 OR HER directions The ballots were inserted in the return
 19 envelope without being exhibited to any other person

20
 21 Signature of Person Street Address or R R City Twp or Village
 22 Assisting Voter

23 A PERSON ASSISTING AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE
 24 STATEMENT IS GUILTY OF A FELONY

25 =====

26 WARNING

27 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
 28 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER
 29 RECEIVING THE BALLOT PERSONS WHO ARE MEMBERS OF THE ABSENT
 30 VOTER S IMMEDIATE FAMILY OR WHO RESIDE IN THE ABSENT VOTER S

1 HOUSEHOLD AND WHO HAVE BEEN ASKED BY THE ABSENT VOTER TO RETURN
2 THE BALLOT EMPLOYEES OF A PUBLIC OR PRIVATE MAIL DELIVERY
3 SERVICE AND AUTHORIZED ELECTION OFFICIALS AND ASSISTANTS ANY
4 OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF
5 A FELONY

6 Sec 764a The following instructions for an absent voter,
7 as defined by section 758 shall be included with each ballot or
8 set of ballots furnished an absent voter —

9 INSTRUCTIONS FOR ABSENT VOTERS

10 Step 1 On the absent voter ballot enclosed you will find
11 voting instructions Read these carefully and then vote the
12 ballot

13 Step 2 After voting a ballot prepare it for placing in
14 the return envelope addressed to the clerk in the manner directed
15 in the voting instructions

16 Step 3 Place the ballot or ballots in the return envelope
17 and securely seal the envelope

18 Step 4 Sign AND DATE the return envelope in the place
19 designated Your signature must appear on the return envelope or
20 the ballot will not be counted IF YOU REQUIRED ASSISTANCE IN
21 VOTING YOUR ABSENT VOTER BALLOT HAVE THE PERSON WHO ASSISTED YOU
22 COMPLETE THE SECTION ON THE RETURN ENVELOPE ENTITLED TO BE

23 COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON
24 Step 5 Deliver the return envelope by 1 of the following
25 methods

1 (a) Place the necessary postage upon the return envelope and
2 deposit it in the United States mail OR PAY THE APPROPRIATE FEE
3 AND DEPOSIT IT WITH ANY PUBLIC OR PRIVATE MAIL DELIVERY SERVICE

4 (b) Deliver the envelope personally to the office of the
5 clerk to the clerk or to an authorized assistant of the clerk

6 (c) In either (a) or (b), a member of the immediate family
7 of the voter including a father-in-law mother-in-law
8 brother-in-law sister-in-law son-in-law daughter-in-law
9 grandparent or grandchild or a person residing in the voter s
10 household may mail or deliver a ballot TO THE CLERK for the
11 voter

12 ~~(d) In the event a voter cannot return the ballot in any of~~
13 ~~the above methods, the voter may select any registered elector to~~
14 ~~return the ballot The person returning the ballot must sign and~~
15 ~~return the following certificate to the clerk at the time of~~
16 ~~delivery of the ballot~~

17 I certify that my name is _____ and my
18 address is _____ that I am delivering the
19 ballot of _____ at his/her request that I did
20 not solicit or request to return the ballot that I have not
21 opened the envelope containing the ballot have not made any
22 markings on the ballot have not altered the ballot in any way
23 have not substituted another ballot given to me for delivery
24 have not influenced the voter in the voting of the ballot and am
25 aware that a false statement in this certificate is a violation
26 of the Michigan election law

1 (D) IF YOU ARE UNABLE TO RETURN YOUR ABSENT VOTER BALLOT BY
2 MAIL, IN PERSON, OR WITH THE ASSISTANCE OF AN IMMEDIATE FAMILY
3 MEMBER OR A PERSON RESIDING IN YOUR HOUSEHOLD YOU MAY REQUEST BY
4 TELEPHONE THAT THE CLERK WHO ISSUED THE BALLOT PROVIDE ASSISTANCE
5 IN RETURNING THE BALLOT YOUR ABSENT VOTER BALLOT WILL THEN BE
6 PICKED UP BY THE CLERK OR AN ELECTION ASSISTANT SENT BY THE
7 CLERK ALL PERSONS AUTHORIZED TO PICK UP ABSENT VOTER BALLOTS
8 ARE REQUIRED TO CARRY CREDENTIALS ISSUED BY THE CLERK IF USING
9 THIS ABSENT VOTER BALLOT RETURN METHOD, DO NOT GIVE YOUR BALLOT
10 TO ANYONE UNTIL YOU HAVE CHECKED THEIR CREDENTIALS

11 Step 6 The ballot must reach the clerk or an authorized
12 assistant of the clerk before the close of the polls on election
13 day AN ABSENT VOTER BALLOT RECEIVED BY THE CLERK OR ASSISTANT
14 OF THE CLERK AFTER THE CLOSE OF THE POLLS ON ELECTION DAY WILL
15 NOT BE COUNTED

16 WARNING

17 ~~It is a violation of Michigan election law to vote an~~
18 ~~absent voter ballot at a meeting or gathering at which other~~
19 ~~people are voting absent voter ballots It is a violation of~~
20 ~~Michigan election law for a person other than those listed in~~
21 ~~these instructions to return, offer to return, agree to return,~~
22 ~~or solicit to return your ballot to the clerk An authorized~~
23 ~~assistant of the clerk who receives ballots at a location other~~
24 ~~than the office of the clerk must have credentials signed by the~~
25 ~~clerk Ask to see the credentials before entrusting your ballot~~
26 ~~with a person claiming to be authorized to return your ballot to~~
27 ~~the clerk~~

1 ALL OF THE FOLLOWING ACTIONS ARE VIOLATIONS OF THE MICHIGAN
2 ELECTION LAW AND ARE ILLEGAL IN THIS STATE

3 (1) TO VOTE AN ABSENT VOTER BALLOT AT A MEETING OR GATHERING
4 AT WHICH OTHER PEOPLE ARE VOTING ABSENT VOTER BALLOTS

5 (2) FOR A PERSON ASSISTING AN ABSENT VOTER IN MARKING THE
6 BALLOT TO SUGGEST OR IN ANY MANNER ATTEMPT TO INFLUENCE THE
7 ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE

8 (3) FOR A PERSON WHO IS PRESENT AND KNOWS THAT A PERSON IS
9 VOTING AN ABSENT VOTER BALLOT TO SUGGEST OR IN ANY MANNER ATTEMPT
10 TO INFLUENCE THE ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE

11 (4) FOR A PERSON OTHER THAN THOSE LISTED IN THESE INSTRUC-
12 TIONS TO RETURN, OFFER TO RETURN, AGREE TO RETURN, OR SOLICIT TO
13 RETURN AN ABSENT VOTER BALLOT TO THE CLERK

14 (5) FOR A PERSON OTHER THAN THE ABSENT VOTER, THE PERSONS
15 LISTED IN THESE INSTRUCTIONS AND EMPLOYEES OF A PUBLIC OR PRI-
16 VATE MAIL DELIVERY SERVICE TO BE IN POSSESSION OF A VOTED OR
17 UNVOTED ABSENT VOTER BALLOT

18 Sec 764b (1) An absent ~~voter's ballots~~ VOTER BALLOT
19 shall be delivered to the clerk only as authorized in the
20 instructions for an absent voter provided in section 764a

21 (2) The clerk of a city township, or village may accept
22 delivery of absent voter ballots at any location in the city
23 township, or village

24 (3) The clerk of a city, township, or village may appoint
25 the number of assistants necessary to accept delivery of absent
26 voter ballots at any location in the city, township, or village
27 An appointment as assistant to accept delivery of absent voter

1 ballots shall be for 1 election only An assistant ~~so~~
2 appointed to receive ballots at a location other than the office
3 of the clerk shall be furnished credentials of authority by the
4 clerk If an absent voter s ballot is received by an assistant
5 at any location other than the clerk s office the ~~credentials~~
6 ~~shall~~ ASSISTANT upon request ~~be exhibited by the assistant~~
7 SHALL EXHIBIT THE CREDENTIALS to the absent voter before the
8 assistant accepts an absent voter ballot An assistant, before
9 entering upon the discharge of duties shall take and subscribe
10 to the oath of office as provided in section 1 of article ~~++~~ XI
11 of the state constitution of 1963 An assistant shall perform
12 only the duties assigned by the clerk A person shall not be
13 appointed as an assistant to accept delivery of absent voter bal-
14 lots who is a candidate, or a member of the immediate family of a
15 candidate appearing on the ballot at that election

16 (4) A CLERK WHO RECEIVES A REQUEST FROM AN ABSENT VOTER
17 UNDER SECTION 764A FOR ASSISTANCE IN RETURNING HIS OR HER ABSENT
18 VOTER BALLOT SHALL MAKE ARRANGEMENTS TO COLLECT THE BALLOT FROM
19 THE VOTER EITHER PERSONALLY OR BY SENDING AN AUTHORIZED
20 ASSISTANT THE CLERK SHALL MAINTAIN A LIST OPEN TO THE PUBLIC
21 THAT CONTAINS THE NAMES AND ADDRESSES OF ALL AUTHORIZED ASSIST-
22 ANTS APPOINTED UNDER THIS SECTION WHO ARE AVAILABLE TO COLLECT
23 ABSENT VOTER BALLOTS ON OR BEFORE ELECTION DAY IN THAT CITY OR
24 TOWNSHIP

25 (5) ~~(4)~~ An absent voter ballot received by the clerk
26 before the close of the polls on election day shall not be
27 invalidated solely because the delivery to the clerk was not in

1 compliance with section 764a or this section however the ballot
 2 shall be ~~deemed to be~~ CONSIDERED challenged and shall be marked
 3 and processed as provided in section 745

4 Sec 769 (1) The provisions of this chapter ~~shall~~ DO not
 5 ~~be construed so as to~~ prohibit ~~any~~ AN absent voter ~~, return~~
 6 ~~ing to his place of residence,~~ from voting in person within his
 7 OR HER precinct at ~~any regular or special election or official~~
 8 ~~primary~~ AN election, notwithstanding that he ~~may have made~~
 9 ~~application~~ OR SHE APPLIES for an absent ~~voter's~~ VOTER ballot
 10 and the ~~same may have been~~ BALLOT IS mailed by the ~~said~~
 11 clerk ~~— Provided, That such voter has not availed himself of~~

12 (2) SUBSECTION (1) APPLIES ONLY IF THE ELECTOR DOES NOT
 13 EXERCISE the privileges of an absent voter, as provided by this
 14 chapter ~~— and voted any such~~ VOTE AN ABSENT VOTER ballot
 15 mailed ~~him~~ by the ~~said~~ clerk, and ~~provided also that he~~ IF
 16 THE ELECTOR returns ~~such~~ THE ballot or ballots ~~— if~~ received
 17 ~~, to the board of inspectors of election in his OR HER~~
 18 precinct ~~In case any~~ IF AN absent voter ballot is ~~so~~
 19 returned ~~it shall by said~~ THE board ~~— be marked "cancelled"~~
 20 ~~and placed~~ SHALL MARK IT CANCELED AND PLACE IT in the regular
 21 box with other ~~cancelled~~ CANCELED ballots ~~Any voter voting~~

22 (3) A PERSON WHO VOTES at ~~any~~ AN election ~~, both in~~
 23 person and by means of an absent voter ballot ~~— or A PERSON who~~
 24 ~~shall attempt so~~ ATTEMPTS to vote ~~, shall on conviction, be~~
 25 ~~deemed~~ BOTH IN PERSON AND BY MEANS OF AN ABSENT VOTER BALLOT IS
 26 guilty of a felony

1 (4) AN ELECTION OFFICIAL WHO BECOMES AWARE OF A PERSON WHO
 2 VOTES OR ATTEMPTS TO VOTE BOTH IN PERSON AND BY MEANS OF AN
 3 ABSENT VOTER BALLOT SHALL REPORT THAT INFORMATION TO THE PROSE-
 4 CUTING ATTORNEY FOR THAT COUNTY AND TO THE SECRETARY OF STATE

5 Sec 931 (1) A person who violates ~~any~~ 1 OR MORE of the
 6 following subdivisions is guilty of a misdemeanor

7 (a) A person shall not either directly or indirectly, give,
 8 lend or promise ~~any money or~~ valuable consideration to or for
 9 any person as an inducement to influence the manner of voting by
 10 a person relative to a candidate or ~~proposition~~ BALLOT
 11 QUESTION or as a reward for refraining from voting ~~As used in~~
 12 ~~this section, "valuable consideration" includes any money, gift,~~
 13 ~~prize or chance for a prize, fee, loan office, position~~
 14 ~~appointment, or employment~~

15 (b) A person shall not either before on or after ~~any~~ AN
 16 election for the person's own benefit or on behalf of any other
 17 person, receive, agree, or contract for ~~any~~ valuable considera-
 18 tion for ~~any~~ 1 OR MORE of the following

19 (i) Voting or agreeing to vote or inducing or attempting to
 20 induce another to vote, at an ~~election or primary~~ election

21 (ii) Refraining or agreeing to refrain or inducing or
 22 attempting to induce another to refrain from voting at an
 23 ~~election or primary~~ election

24 (iii) Doing anything prohibited by this act

25 (iv) Doing agreeing to do or having done any campaign
 26 work, electioneering or soliciting of votes for a question or a
 27 candidate on or before an election or primary election day

1 (c) A person shall not solicit from a candidate for
 2 nomination for or election to ~~any~~ AN office described in this
 3 act ~~, any money or other property~~ ANY VALUABLE CONSIDERATION
 4 This subdivision ~~shall~~ DOES not apply to requests for contribu-
 5 tions of money by or to an authorized representative of the
 6 political party committee of the organization to which the candi-
 7 date belongs This subdivision ~~shall~~ DOES not apply to ~~any~~ A
 8 regular business transaction between a candidate and any other
 9 person ~~which~~ THAT is not intended for or connected with the
 10 securing of votes or the influencing of voters in connection with
 11 the nomination or election

12 (d) A person shall not either directly or indirectly, dis-
 13 charge or threaten to discharge an employee of the person for the
 14 purpose of influencing the employee's vote ~~for~~ AT an ~~election~~
 15 ~~or primary~~ election

16 (e) A priest pastor curate or other officer of a reli-
 17 gious society shall not for the purpose of influencing a voter at
 18 an ~~election or primary~~ election impose or threaten to impose
 19 upon ~~a person~~ THE VOTER a penalty of excommunication, dis-
 20 missal or expulsion or command or advise ~~a person~~ THE VOTER,
 21 under pain of religious disapproval

22 (f) A person shall not at an ~~election or primary~~ elec-
 23 tion falsely impersonate another person or vote or attempt to
 24 vote under the name of another person or induce or attempt to
 25 induce a person to impersonate another person or to vote or
 26 attempt to vote under the name of another person

1 (g) A person shall not assume a false or fictitious name in
 2 order to vote or to offer to vote by that name enter or cause to
 3 be entered upon the registration book in a voting precinct a
 4 false or fictitious name or induce or attempt to induce another
 5 person to assume a false or fictitious name in order to vote or
 6 offer to vote by that name or enter or cause to be entered upon
 7 the registration book of ~~any~~ A voting precinct a false or fic-
 8 titious name

9 (h) A person who is not a qualified and registered elector
 10 shall not ~~wilfully~~ WILLFULLY offer to vote or attempt to vote
 11 at ~~a primary election or~~ AN election ~~sanctioned by the laws~~
 12 ~~of~~ HELD IN this state A person shall not aid or counsel a
 13 person who is not a qualified elector to vote or offer to vote at
 14 the place where the vote is given during an ~~election or primary~~
 15 election

16 (i) A qualified and registered elector shall not offer to
 17 vote or attempt to vote in a voting precinct in which the elector
 18 does not reside except as otherwise provided in this act A
 19 person shall not procure aid or counsel another person to go or
 20 come into a township ward or voting precinct for the purpose of
 21 voting at an ~~election or primary~~ election knowing that the
 22 person is not qualified to vote in that township, ward, or voting
 23 precinct

24 (j) A person shall not offer to vote or attempt to vote more
 25 than once at the same election either in the same or in another
 26 voting precinct ~~, nor shall a person~~ A PERSON SHALL NOT give
 27 2 or more votes folded together

1 (k) A person shall not hire a motor vehicle or other
 2 conveyance or cause the ~~same to be done~~ HIRING OF A MOTOR VEHI-
 3 CLE OR OTHER CONVEYANCE for ~~conveying~~ TRANSPORTING voters
 4 other than voters physically unable to walk, to an ~~election or~~
 5 ~~primary~~ election

6 (l) In a city ~~having an~~ TOWNSHIP, VILLAGE, OR SCHOOL DIS-
 7 TRICT THAT HAS A BOARD OF election ~~commission~~ COMMISSIONERS
 8 authorized to appoint inspectors of election ~~failure of~~ an
 9 inspector OF ELECTION, A clerk or ~~election or primary~~ OTHER
 10 election official ~~, accepting~~ WHO ACCEPTS an appointment as an
 11 inspector of election ~~,~~ SHALL NOT FAIL to report at the polling
 12 place designated on ~~election or primary~~ election morning at the
 13 time specified BY THE BOARD OF ELECTION COMMISSIONERS, unless
 14 excused ~~, is~~ AS PROVIDED IN THIS SUBDIVISION A PERSON WHO
 15 VIOLATES THIS SUBDIVISION IS GUILTY OF a misdemeanor punishable
 16 by a fine of not more than \$10 00 ~~,~~ or imprisonment for not
 17 more than 10 days or both ~~if an~~ AN inspector OF ELECTION,
 18 clerk, or ~~election or primary~~ OTHER election official WHO
 19 ACCEPTS AN APPOINTMENT AS AN INSPECTOR OF ELECTION IS EXCUSED FOR
 20 FAILING TO REPORT AT THE POLLING PLACE ON ELECTION DAY AND IS NOT
 21 SUBJECT TO A FINE OR IMPRISONMENT UNDER THIS SUBDIVISION IF 1 OR
 22 MORE OF THE FOLLOWING REQUIREMENTS ARE MET

23 (1) THE INSPECTOR OF ELECTION CLERK, OR OTHER ELECTION
 24 OFFICIAL notifies the ~~election or primary~~ BOARD OF election
 25 ~~commission~~ COMMISSIONERS or other officers in charge of
 26 ~~elections or primary~~ elections of ~~the inspector's, clerk's, or~~
 27 ~~election or primary election official's~~ HIS OR HER inability to

1 serve at the time and place specified ~~at least~~ 3 days OR MORE
 2 before the election ~~or primary election, or~~

3 (11) THE INSPECTOR OF ELECTION CLERK OR OTHER ELECTION
 4 OFFICIAL is excused from duty by the ~~election or primary~~ BOARD
 5 OF election ~~commission board~~ COMMISSIONERS or OTHER officers
 6 in charge of ~~elections or primary~~ elections for cause shown ~~7~~
 7 ~~then the inspector, clerk, or election or primary election offi-~~
 8 ~~cial shall not be liable for a fine or imprisonment~~

9 (m) A person shall not ~~wilfully~~ WILLFULLY fail to perform
 10 a duty imposed upon that person by this act or disobey a lawful
 11 instruction or order of the secretary of state as chief state
 12 election officer or of a board of county election commissioners
 13 board of city election commissioners, or board of inspectors of
 14 election

15 (n) A delegate or member of a convention shall not solicit a
 16 candidate for nomination before the convention for money reward
 17 position place ~~or~~ preferment OR OTHER VALUABLE CONSIDERATION
 18 in return for support by the delegate or member in the
 19 convention A candidate or other person shall not promise or
 20 give to a delegate money reward, position, place ~~or~~
 21 preferment, OR OTHER VALUABLE CONSIDERATION in return for support
 22 by or vote of the delegate in the convention

23 (o) A person elected ~~a~~ TO THE OFFICE OF delegate to a con-
 24 vention shall not accept or receive any money or OTHER valuable
 25 ~~thing as a~~ consideration for his or her vote as a delegate

26 (p) A person shall not while the polls are open ~~at a~~
 27 ~~polling place~~ on ~~a primary or~~ AN election day solicit votes

1 in ~~the~~ A polling place or within 100 feet from ~~any~~ AN
2 entrance to the building in which ~~the~~ A polling place is
3 located

4 (q) A person shall not keep a room or building for the pur-
5 pose in whole or in part of recording or registering bets or
6 wagers, or of selling pools upon the result of a political nomi-
7 nation, appointment or election A person shall not wager ~~any~~
8 property money or thing of value or be the custodian of ~~any~~
9 money, property or thing of value staked, wagered or pledged
10 upon the result of a political nomination appointment or
11 election

12 (r) A person shall not ~~plan, organize or~~ participate in a
13 meeting or a portion of a meeting of more than 2 persons other
14 than the person s immediate family, at which an absent voter
15 ballot is voted

16 ~~(s) Except as authorized pursuant to section 764b, a person~~
17 ~~shall neither return solicit to return, or agree to return an~~
18 ~~absent voter ballot to the clerk of a city, township, or village,~~
19 ~~nor have possession of an absent voter ballot mailed or delivered~~
20 ~~to another person, regardless of whether the ballot has been~~
21 ~~voted~~

22 ~~(t) A person shall not make a false statement in the certif-~~
23 ~~icate provided in section 764a~~

24 (2) A person who violates a provision of this act for which
25 a penalty is not otherwise specifically provided in this act, is
26 guilty of a misdemeanor

1 (3) A person or a person s agent who knowingly makes
 2 publishes disseminates circulates, or places before the public
 3 or knowingly causes directly or indirectly to be made published,
 4 disseminated circulated or placed before the public in this
 5 state, either orally or in writing an assertion, representation
 6 or statement of fact concerning a candidate for public office at
 7 ~~a primary or general~~ AN election in this state ~~which~~ THAT is
 8 false deceptive, scurrilous or malicious without the true name
 9 of the author being subscribed to the assertion representation
 10 or statement if written or announced if unwritten is guilty of
 11 a misdemeanor

12 (4) AS USED IN THIS SECTION VALUABLE CONSIDERATION
 13 INCLUDES BUT IS NOT LIMITED TO MONEY PROPERTY A GIFT A PRIZE
 14 OR CHANCE FOR A PRIZE A FEE A LOAN AN OFFICE A POSITION AN
 15 APPOINTMENT OR EMPLOYMENT

16 Sec 932 A person who violates ~~any~~ 1 OR MORE of the fol-
 17 lowing subdivisions is guilty of a felony

18 (a) A person shall not attempt by means of bribery menace,
 19 or her corrupt means or device either directly or indirectly,
 20 to influence an elector in giving his or her vote or to deter
 21 the elector from, or interrupt the elector in giving his or her
 22 vote at any ~~election or primary~~ election held ~~pursuant to law~~
 23 IN THIS STATE

24 (b) A person not duly authorized by law shall not during
 25 the progress of any ~~election or primary~~ election or after the
 26 closing of the polls and before the final results of the election
 27 have been ascertained break open or violate the seals or locks

1 of any ballot box or voting machine used or in use at that
2 election ~~—nor—~~ A PERSON shall ~~—a person wilfully—~~ NOT
3 WILLFULLY damage or destroy any ballot box or voting machine —
4 ~~nor—~~ A PERSON shall ~~—a person—~~ NOT obtain undue possession of
5 that ballot box or voting machine ~~—nor—~~ A PERSON shall ~~—a~~
6 ~~person—~~ NOT conceal withhold or destroy a ballot box or voting
7 machine, or fraudulently or forcibly add to or diminish the
8 number of ballots legally deposited in the box or the totals on
9 the voting machine ~~—nor—~~ A PERSON shall ~~—a person—~~ NOT aid or
10 abet in any act prohibited by this subdivision

11 (c) An inspector of election, clerk or other officer or
12 person having custody of any record election list of voters
13 affidavit return, statement of votes certificates poll book
14 or of any paper document or vote of any description which pur-
15 suant to this act is directed to be made filed or preserved
16 shall not ~~—wilfully—~~ WILLFULLY destroy mutilate deface falsi-
17 fy, or fraudulently remove or secrete any or all of those items,
18 in whole or in part or fraudulently make any entry erasure or
19 alteration on any or all of those items or permit any other
20 person to do so

21 (d) A person shall neither disclose to any other person the
22 name of any candidate voted for by any elector the contents of
23 whose ballots were seen by the person, nor in any manner obstruct
24 or attempt to obstruct any elector in the exercise of his or her
25 duties as an elector under this act

26 (e) A person who is not involved in the counting of ballots
27 as provided by law and who has possession of an absent voter

1 ballot mailed or delivered to another person shall not do any of
2 the following

3 (1) Open the envelope containing the ballot

4 (11) Make any marking on the ballot

5 (111) Alter the ballot in any way

6 (1v) Substitute another ballot for the absent voter ballot
7 which the person possesses

8 (F) A PERSON OTHER THAN AN ABSENT VOTER, EMPLOYEE OF A
9 PUBLIC OR PRIVATE MAIL DELIVERY SERVICE CLERK OR ASSISTANT OF
10 THE CLERK, A MEMBER OF THE IMMEDIATE FAMILY OF THE ABSENT VOTER
11 INCLUDING A FATHER-IN-LAW, MOTHER-IN-LAW BROTHER-IN-LAW,
12 SISTER-IN-LAW SON-IN-LAW, DAUGHTER-IN-LAW, GRANDPARENT, OR
13 GRANDCHILD OR A PERSON RESIDING IN THE ABSENT VOTER S HOUSEHOLD
14 SHALL NOT DO ANY OF THE FOLLOWING

15 (1) POSSESS AN ABSENT VOTER BALLOT MAILED OR DELIVERED TO
16 ANOTHER PERSON REGARDLESS OF WHETHER THE BALLOT HAS BEEN VOTED

17 (11) RETURN SOLICIT TO RETURN OR AGREE TO RETURN AN ABSENT
18 VOTER BALLOT TO THE CLERK OF A CITY TOWNSHIP VILLAGE, OR SCHOOL
19 DISTRICT

20 (G) A PERSON ASSISTING AN ABSENT VOTER SHALL ONLY RENDER HIS
21 OR HER ASSISTANCE BY SHOWING THE ABSENT VOTER HOW TO VOTE THE
22 BALLOT AS THE ABSENT VOTER DESIRES OR THE PERSON ASSISTING THE
23 ABSENT VOTER SHALL MARK THE BALLOT AS DIRECTED BY THE ABSENT
24 VOTER A PERSON ASSISTING THE ABSENT VOTER SHALL NOT SUGGEST OR
25 IN ANY MANNER ATTEMPT TO INFLUENCE THE VOTER ON HOW HE OR SHE
26 SHOULD VOTE OR ALLOW ANY OTHER PERSON TO DO SO

1 (H) A PERSON PRESENT WHILE AN ABSENT VOTER IS VOTING AN
 2 ABSENT VOTER BALLOT SHALL NOT SUGGEST OR IN ANY MANNER ATTEMPT TO
 3 INFLUENCE THE ABSENT VOTER ON HOW HE OR SHE SHOULD VOTE

4 (I) A PERSON SHALL NOT PLAN OR ORGANIZE A MEETING AT WHICH
 5 ABSENT VOTER BALLOTS ARE TO BE VOTED

6 Sec 942 ~~No prosecution for any~~ AN offense ~~mentioned~~
 7 ~~in~~ UNDER this act other than fraudulent registration shall NOT
 8 be ~~maintained~~ PROSECUTED unless ~~it shall be~~ THE PROSECUTION
 9 IS commenced within ~~1 year~~ 2 YEARS after the date of the regis-
 10 tration primary, or election in connection with which the
 11 offense is alleged to have been committed ~~No prosecution for~~
 12 ~~fraudulent~~ FRAUDULENT registration UNDER THIS ACT shall NOT be
 13 ~~maintained~~ PROSECUTED unless ~~it shall be~~ THE PROSECUTION IS
 14 commenced within ~~2~~ 3 years after the time the offense is
 15 alleged to have been committed ~~Neither the~~ THE complaining
 16 witness ~~nor~~ OR any other person who ~~may be~~ IS called to tes-
 17 tify in behalf of the people in ~~any such~~ A proceeding UNDER
 18 THIS SECTION shall NOT be liable to criminal prosecution under
 19 this act for ~~any~~ AN offense in respect to which he ~~shall be~~
 20 OR SHE IS examined or to which his OR HER testimony ~~shall~~
 21 ~~relate~~ RELATES except to prosecution for perjury committed in
 22 ~~such~~ THE testimony

23 Section 2 Section 764 of Act No 116 of the Public Acts of
 24 1954 being section 168 764 of the Michigan Compiled Laws is
 25 repealed