



HOUSE BILL No. 4443

February 21, 1995, Introduced by Rep. Kukuk and referred to the Committee on Local Government.

A bill to amend sections 758 and 759a of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," being sections 168.758 and 168.759a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 758 and 759a of Act No. 116 of the
2 Public Acts of 1954, being sections 168.758 and 168.759a of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 758. (1) For the purposes of this act, "absent voter"
5 means a qualified and registered elector WHO MEETS 1 OR MORE OF
6 THE FOLLOWING REQUIREMENTS:

7 (a) ~~who, on~~ ON account of physical disability, cannot
8 without another's assistance attend the polls on the day of an
9 election.

1 (b) ~~Who, or~~ ON account of the tenets of his OR HER
2 religion, cannot attend the polls on the day of election.

3 (c) ~~Who cannot~~ CANNOT attend the polls on the day of an
4 election in the precinct in which he OR SHE resides because of
5 being an election precinct inspector in another precinct.

6 (d) ~~Who is~~ IS 60 years of age or ~~more~~ OLDER.

7 (e) ~~Who is~~ IS absent or expects to be absent from the
8 township or city in which he or she resides during the entire
9 period the polls are open for voting on the day of an election.

10 (f) ~~Who cannot~~ CANNOT attend the polls on election day
11 because of being confined in jail awaiting arraignment or trial.

12 (2) Subsection (1) ~~shall not be applicable~~ DOES NOT APPLY
13 to a person who has moved ~~to another~~ OUTSIDE OF THIS state,
14 regardless of length of HIS OR HER residence ~~therein~~ OUTSIDE OF
15 THIS STATE, and who no longer maintains an actual residence in
16 ~~Michigan~~ THIS STATE. The storage of personal effects or house-
17 hold goods, the ownership of property ~~which~~ THAT is rented or
18 leased to others, or occasional brief visits to a former
19 ~~Michigan~~ domicile IN THIS STATE while residing ~~elsewhere~~
20 OUTSIDE OF THIS STATE for most of the year ~~shall~~ DOES not con-
21 stitute a residence for voting purposes in this state, except ~~as~~
22 ~~defined~~ FOR EACH OF THE FOLLOWING:

23 (A) A PERSON DESCRIBED in section 1 of article ~~2~~ II of the
24 state constitution of 1963 and statutes enacted ~~thereunder, and~~
25 ~~except former residents of Michigan domiciled in the District of~~
26 ~~Columbia, or to former residents who are serving in the United~~

1 ~~States army, navy, merchant marine, marine corps, or air force~~
2 UNDER THAT SECTION.

3 (B) A PERSON DESCRIBED IN SECTION 759A.

4 Sec. 759a. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (5),
5 EACH OF THE FOLLOWING PERSONS WHO IS A QUALIFIED ELECTOR OF A
6 CITY OR TOWNSHIP IN THIS STATE AND WHO IS NOT A REGISTERED VOTER
7 MAY APPLY FOR AN ABSENT VOTER BALLOT PURSUANT TO SECTION 504:

8 (A) A civilian employee of the armed services ~~of the United~~
9 ~~States~~ outside of the United States. ~~or any member of his imme-~~
10 ~~diante family outside of the United States, or any~~

11 (B) A member of the armed services ~~of the United States or~~
12 ~~member of his immediate family or any~~ OUTSIDE OF THE UNITED
13 STATES.

14 (C) A citizen of the United States temporarily residing out-
15 side the territorial limits of the United States. ~~and~~

16 (D) A CITIZEN OF THE UNITED STATES RESIDING IN the District
17 of Columbia. ~~and a~~

18 (E) A spouse or dependent ~~residing with or accompanying~~
19 ~~such person, who is a qualified elector of any city or township~~
20 ~~of this state but is not registered for voting, may apply at the~~
21 ~~time of making application to register by mail, as provided in~~
22 ~~section 504 of this act, for absent voters' ballots~~ OF A PERSON
23 DESCRIBED IN SUBDIVISIONS (A) THROUGH (D) WHO IS A CITIZEN OF THE
24 UNITED STATES AND WHO IS ACCOMPANYING THAT PERSON, NOTWITHSTAND-
25 ING THAT THE SPOUSE OR DEPENDENT IS NOT A QUALIFIED ELECTOR OF A
26 CITY OR TOWNSHIP OF THIS STATE, AS LONG AS THAT SPOUSE OR

1 DEPENDENT IS NOT A QUALIFIED ELECTOR ANYWHERE ELSE IN THE UNITED
2 STATES.

3 (2) A citizen DESCRIBED IN SUBSECTION (1) WHO IS temporarily
4 residing outside the territorial limits of the United States
5 ~~and~~ OR RESIDING IN the District of Columbia shall include with
6 ~~any~~ AN application for AN absent ~~voters' ballots~~ VOTER BALLOT
7 or registration, an affidavit in a form and manner approved by
8 the state director of elections stating ~~his~~ EITHER OF THE
9 FOLLOWING:

10 (A) HIS OR HER qualifications as an elector at the time he
11 OR SHE departed from the United States OR BEGAN RESIDING IN THE
12 DISTRICT OF COLUMBIA and affirming that he OR SHE has not relin-
13 quished his OR HER citizenship or established residence for
14 voting in any other place.

15 (B) THAT HE OR SHE IS A SPOUSE OR DEPENDENT OF A PERSON
16 DESCRIBED IN SUBSECTION (1)(A) TO (D), THAT HE OR SHE MEETS THE
17 QUALIFICATIONS AS AN ELECTOR OTHER THAN RESIDENCY IN THIS STATE,
18 AND THAT HE OR SHE HAS NOT ESTABLISHED A RESIDENCE FOR VOTING IN
19 ANY OTHER PLACE.

20 (3) Upon receipt of ~~the~~ AN application ~~, the~~ UNDER THIS
21 SECTION THAT COMPLIES WITH THIS ACT, A city or township clerk ~~to~~
22 ~~whom it is directed if such application complies with the~~
23 ~~requirements of this act,~~ shall forward to the applicant ~~both~~
24 the absent ~~voters'~~ VOTER ballots requested, ~~and~~ the forms
25 necessary for registration, ~~together with~~ AND instructions for
26 completing the forms. If the ballots are not yet available at
27 the time of receipt of the application, the clerk shall

1 immediately forward TO THE APPLICANT the registration forms and
2 instructions, and ~~shall send~~ FORWARD the ballots as soon
3 ~~thereafter~~ as they are available. If the ballots and
4 ~~registrations~~ REGISTRATION FORMS are received before the close
5 of the polls on election day and if the registration complies
6 with the requirements of this act, ~~then~~ the absent ~~voters~~
7 VOTER ballots shall be delivered to the proper election board to
8 be voted. If the registration does not comply with the require-
9 ments of this act, the CLERK SHALL RETAIN THE ABSENT VOTER bal-
10 lots ~~shall be retained by the clerk~~ until the expiration of the
11 time that the voted ballots must be kept and shall then ~~be~~
12 ~~destroyed~~ DESTROY THE BALLOTS without opening the envelope.
13 ~~All registrations provided for in this section may be kept by~~
14 ~~the clerk~~ THE CLERK MAY RETAIN REGISTRATION FORMS COMPLETED
15 UNDER THIS SECTION in a separate file. The address in this state
16 shown on ~~the~~ A registration ~~shall be deemed~~ FORM IS the resi-
17 dence of the registrant. ~~These registrations shall not be con-~~
18 ~~sidered in determining the size of precincts.~~

19 (4) THE SIZE OF A PRECINCT SHALL NOT BE DETERMINED BY REGIS-
20 TRATION FORMS COMPLETED UNDER THIS SECTION.

21 (5) A PERSON DESCRIBED IN SUBSECTION (1)(A) AND (B) AND A
22 SPOUSE OR DEPENDENT OF THAT PERSON WHO IS ACCOMPANYING THAT
23 PERSON IS REGISTERED TO VOTE IN A SPECIAL PRIMARY OR SPECIAL GEN-
24 ERAL ELECTION IF HE OR SHE WAS REGISTERED TO VOTE UNDER THIS SEC-
25 TION IN THE PRIMARY OR GENERAL ELECTION IMMEDIATELY PRECEDING THE
26 SPECIAL PRIMARY OR SPECIAL GENERAL ELECTION. THE CITY OR
27 TOWNSHIP CLERK WHO RECEIVED THAT PERSON'S COMPLETED REGISTRATION

1 FORMS IN THE PRIMARY OR GENERAL ELECTION SHALL FORWARD TO THAT
2 PERSON AT HIS OR HER LAST KNOWN ADDRESS AN ABSENT VOTER BALLOT
3 FOR THE SPECIAL PRIMARY OR SPECIAL GENERAL ELECTION IMMEDIATELY
4 UPON THE CLERK'S RECEIPT OF THE ABSENT VOTER BALLOTS FOR THE SPE-
5 CIAL PRIMARY OR SPECIAL GENERAL ELECTION.

6 (6) PURSUANT TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE
7 VOTING ACT, PUBLIC LAW 99-410, 100 STAT. 924, THE STATE DIRECTOR
8 OF ELECTIONS SHALL APPROVE A BALLOT FORM AND REGISTRATION PROCE-
9 DURES FOR ELECTORS IN THE ARMED SERVICES AND ELECTORS OUTSIDE THE
10 UNITED STATES, INCLUDING THE SPOUSES AND DEPENDENTS ACCOMPANYING
11 THOSE ELECTORS.

12 (7) AS USED IN THIS SECTION, "ARMED SERVICES" MEANS THE
13 UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST GUARD,
14 AIR NATIONAL GUARD, OR MERCHANT MARINES.