

# HOUSE BILL No. 4795

June 3, 2003, Introduced by Reps. Sheltroun, Accavitti, Lipsey, Elkins, Minore and Rivet and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 759 (MCL 168.759), as amended by 1995 PA  
261.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1           (2) Except as otherwise provided in subsection (1), at any  
2 time during the 75 days before an election, but not later than 2  
3 p.m. of the ~~Saturday~~ **Wednesday** before the election, an elector  
4 who qualifies to vote as an absent voter, as defined in  
5 section 758, may apply for an absent voter ballot. The elector  
6 shall apply in person or by mail with the clerk of the township,  
7 city, or village in which the voter is registered.

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

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

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

14           (c) On a federal postcard application.

15           (4) An applicant for an absent voter ballot shall sign the  
16 application. A clerk or assistant clerk shall not deliver an  
17 absent voter ballot to an applicant who does not sign the  
18 application. ~~A person other~~ **Other** than the applicant; a member  
19 of the applicant's immediate family; a person residing in the  
20 applicant's household; a person whose job normally includes the  
21 handling of mail, but only during the course of his or her  
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 person** shall not be in  
25 possession of a signed absent voter ballot application. A  
26 registered elector who is requested by the applicant to return  
27 his or her absent voter ballot application shall sign the

1 certificate on the absent voter ballot application.

2 (5) 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 absent voter ballot application shall be in substantially the  
7 following form:

8 "Application for absent voter ballot for:

9  The primary or special primary election to be held on  
10 ~~....., 19....~~ .....  
11 (Date)

12  The election to be held on ~~....., 19....~~ .....  
13 (Date)

14 (Check applicable election or elections)

15 I, ....., a 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, apply for an official ballot, or ballots, to be voted  
20 by me at the election or elections as requested in this  
21 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 voter ballot applications at a location other than the office of  
2 the clerk must have credentials signed by the clerk. Ask to see  
3 his or her credentials before entrusting your application with a  
4 person claiming to have the clerk's authorization to return your  
5 application.

6 Certificate of Authorized Registered  
7 Elector Returning Absent Voter  
8 Ballot Application

9 I certify that my name is ....., my address is  
10 ....., and my date of birth is .....; that  
11 I am delivering the absent voter ballot application of  
12 ..... at his or her request; that I did not  
13 solicit or request to return the application; that I have not  
14 made any markings on the application; that I have not altered the  
15 application in any way; that I have not influenced the applicant;  
16 and that I am aware that a false statement in this certificate is  
17 a violation of Michigan election law.

18 \_\_\_\_\_  
19 (Date) (Signature)"

20 (6) The following instructions for an applicant for an absent  
21 voter ballot shall be included with each application furnished an  
22 applicant:

23 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

24 Step 1. After completely filling out the application, sign  
25 and date the application in the place designated. Your signature  
26 must appear on the application or you will not receive an absent  
27 voter ballot.

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

3 (a) Place the application in an envelope addressed to the  
4 appropriate clerk and place the necessary postage upon the return  
5 envelope and deposit it in the United States mail or with another  
6 public postal service, express mail service, parcel post service,  
7 or common carrier.

8 (b) Deliver the application personally to the office of the  
9 clerk, to the clerk, or to an authorized assistant of the clerk.

10 (c) In either (a) or (b), a member of the immediate family of  
11 the voter including a father-in-law, mother-in-law,  
12 brother-in-law, sister-in-law, son-in-law, daughter-in-law,  
13 grandparent, or grandchild or a person residing in the voter's  
14 household may mail or deliver the application to the clerk for  
15 the applicant.

16 (d) ~~In the event~~ **If** an applicant cannot return the  
17 application in any of the above methods, the applicant may select  
18 any registered elector to return the application. The person  
19 returning the application must sign and return the certificate at  
20 the bottom of the application.

21 (7) A person who prints and distributes absent voter ballot  
22 applications shall print on the application the warning,  
23 certificate of authorized registered elector returning absent  
24 voter ballot application, and instructions required by this  
25 section.

26 (8) A person who makes a false statement in an absent voter  
27 ballot application is guilty of a misdemeanor. A person who

1 forges a signature on an absent voter ballot application is  
2 guilty of a felony. A person who is not authorized in this act  
3 and who both distributes absent voter ballot applications to  
4 absent voters and returns those absent voter ballot applications  
5 to a clerk or assistant of the clerk is guilty of a misdemeanor.