

**SUBSTITUTE FOR  
HOUSE BILL NO. 4132**

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  
7 send by first-class mail an absent voter ballot to an elector after  
8 5 p.m. on the Friday immediately before the election. Except as  
9 otherwise provided in section 761(2), the clerk of a city or

1 township shall not issue an absent voter ballot to a registered  
2 elector in that city or township after 4 p.m. on the day before the  
3 election. An application received before a primary or special  
4 primary may be for either that primary only, or for that primary  
5 and the election that follows. An individual may submit a voter  
6 registration application and an absent voter ballot application at  
7 the same time if applying in person with the clerk or deputy clerk  
8 of the city or township in which the individual resides.

9 Immediately after his or her voter registration application and  
10 absent voter ballot application are approved by the clerk or deputy  
11 clerk, the individual may, subject to the identification  
12 requirement in section 761(6), complete an absent voter ballot at  
13 the clerk's office.

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

1 application are approved by the clerk, the individual may, subject  
2 to the identification requirement in section 761(6), complete an  
3 absent voter ballot at the clerk's office.

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

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

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

9 (c) On a federal postcard application.

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

24 (5) The clerk of a city or township shall have absent voter  
25 ballot application forms available in the clerk's office at all  
26 times and shall furnish an absent voter ballot application form to  
27 anyone upon a verbal or written request. The absent voter ballot  
28 application must be in substantially the following form:

29 "Application for absent voter ballot for:

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

3 [ ] The election to be held on \_\_\_\_\_ (Date).  
4 (Check applicable election or elections)

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

12 Send absent voter ballot to me at:  
13 .....  
14 (Street No. or R.R. or Designated Address)

15 .....  
16 (Post Office) (State) (Zip Code)

17 My registered address .....  
18 (Street No. or R.R. or Participant  
19 Identification Number)  
20 .....  
21 (Post Office) (State) (Zip Code)

22 Date.....

23 I certify that I am a United States citizen and that  
24 the statements in this absent voter ballot application  
25 are true.

26 .....  
27 (Signature)

28 WARNING

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

1 United States citizen, you will not be issued an absent voter  
2 ballot.

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

16 Certificate of Authorized Registered  
17 Elector Returning Absent Voter  
18 Ballot Application

19 I certify that my name is ..... , my address is  
20 ..... , and my date of birth is ..... ; that  
21 I am delivering the absent voter ballot application of  
22 ..... at his or her request; that I did not solicit  
23 or request to return the application; that I have not made any  
24 markings on the application; that I have not altered the  
25 application in any way; that I have not influenced the applicant;  
26 and that I am aware that a false statement in this certificate is a  
27 violation of Michigan election law.

28 \_\_\_\_\_  
29 (Date) (Signature)"

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

4           INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

5           Step 1. After completely filling out the application, sign and  
6 date the application in the place designated. Your signature must  
7 appear on the application or you may not receive an absent voter  
8 ballot.

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

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

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

17          (c) In either (a) or (b), a member of the immediate family of  
18 the voter including a father-in-law, mother-in-law, brother-in-law,  
19 sister-in-law, son-in-law, daughter-in-law, grandparent, or  
20 grandchild or a person residing in the voter's household may mail  
21 or deliver the application to the clerk for the applicant.

22          (d) If an applicant cannot return the application in any of  
23 the above methods, the applicant may select any registered elector  
24 to return the application. The person returning the application  
25 must sign and return the certificate at the bottom of the  
26 application.

27          (7) A person who prints and distributes absent voter ballot  
28 applications shall print on the application the warning,  
29 certificate of authorized registered elector returning absent voter

1 ballot application, and instructions required by this section.

2 ~~(8) A person who makes a false statement in an absent voter~~  
3 ~~ballot application is guilty of a misdemeanor. A person who forges~~  
4 ~~a signature on an absent voter ballot application is guilty of a~~  
5 ~~felony.~~ A person who is not authorized in this act and who both  
6 distributes absent voter ballot applications to absent voters and  
7 returns those absent voter ballot applications to a clerk or  
8 assistant of the clerk is guilty of a misdemeanor.

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

14 **(10) Except as otherwise expressly authorized by law, a person**  
15 **who knowingly fills out an absent voter ballot application and who,**  
16 **without consent, submits or causes to be submitted that absent**  
17 **voter ballot application containing or using another person's name**  
18 **and personal identification information is guilty of a felony.**

19 (11) A person who knowingly fills out and submits or causes to  
20 be submitted an absent voter ballot application with the intent to  
21 obtain multiple absent voter ballots for a person is guilty of a  
22 felony.

23 (12) A person who knowingly submits an absent voter ballot  
24 application containing false information or a forged signature is  
25 guilty of a felony.