



CITY COUNCIL REPORT

Date January 24, 2008

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: **Proposed City of Troy No Reason Absent Voter Resolution**

Background:

- Pursuant to the request of Council Member Robin Beltramini at the January 7, 2008 City Council Regular meeting, the City Clerk's Office has prepared the attached resolution for possible consideration by City Council.

Financial Considerations:

- There are no known financial considerations.

Legal Considerations:

- There are no known policy considerations.

Policy Considerations:

- There are no known policy considerations.

Options:

- Adopt the proposed resolution to encourage the State Legislature to encourage voter participation through alternate voting methods or receive the proposed resolution without action.

**CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION
No Reason Absentee Voting**

WHEREAS, The City Council of the City of Troy believes that every opportunity should be provided to encourage voter participation;

WHEREAS, The City of Troy vigilantly advocates for the fundamental rights of voters;

WHEREAS, Michigan Law in some cases forces its residents to chose between going to work or losing their Constitutional right to vote;

WHEREAS, The City of Troy is the home of a major hospital that employs several Troy registered voters who are required to work during the hours the polls are open for voting and are therefore disenfranchised from voting as there is no provision under law for them to vote an Absentee Ballot;

WHEREAS, There are several other occupations that routinely require employees to work during the hours that the polls are open, these occupations can include police and fire personnel and other shift workers that work 12 hour days rendering them unavailable during the time the polls are open;

WHEREAS, The City of Troy has many voters whose polling locations are located some distance from their homes and traveling to their precinct on Election Day could be a hardship;

WHEREAS, The statutory reasons for acquiring an Absentee Ballot do not take into account voters without transportation and their inability to travel from their homes to their precincts;

WHEREAS, The unfortunate option available for voters in these circumstances is to commit a misdemeanor crime by fraudulently applying for an Absentee Ballot as a means to execute one of their fundamental rights as a United States citizen;

WHEREAS, Election Law has several safeguards against voter fraud including the comparison of the registered voter's signature on Absentee Voter Ballot Applications against their signature on the registration record on file in the Clerk's Office; and

WHEREAS, Voters should have equal and unobstructed access to all possible voting opportunities.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SUPPORTS** No Reason Absent Voting and encourages our representatives to do the same; and

BE IT FURTHER RESOLVED, That the City of Troy hereby **PETITIONS** the State of Michigan Legislature to adopt legislation providing for no reason absent voting, which is designed to promote voter participation, increase voter turn-out and assure that the

fundamental rights of all voters are not diminished due to unwarranted restrictions in Election Law; and

BE IT FURTHER RESOLVED, That HB 4048 or HB 4134 accomplish the objectives as set forth above and therefore the Troy City Council encourages our legislators to actively support the passage of this proposed legislation on behalf of the voters; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to forward a copy of this resolution to Governor Jennifer Granholm, Secretary of State Terri Lynn Land, Senator John Pappageorge, State Representative Marty Knollenberg and all surrounding communities.

HOUSE BILL No. 4048

January 22, 2007, Introduced by Reps. Griffin, Coulouris, Corriveau, Young, Byrum, Simpson, LeBlanc, Brown, Valentine, Hammel, Hammon, McDowell, Condino, Hood, Ebli, Meadows, Dean, Robert Jones and Lahti and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 758, 759, and 759b (MCL 168.758, 168.759,
and 168.759b), section 758 as amended by 1996 PA 207 and section
759 as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 758. ~~(1) For the purposes of~~ **AS USED IN** this act,
2 "absent voter" means a qualified and registered elector who meets
3 ~~1 or more of the following requirements:~~
4 ~~—— (a) On account of physical disability, cannot without~~
5 ~~another's assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on
6 the day of an election.
7 ~~—— (b) On account of the tenets of his or her religion, cannot~~

1 ~~attend the polls on the day of election.~~

2 ~~—— (c) Cannot attend the polls on the day of an election in the~~
3 ~~precinct in which he or she resides because of being an election~~
4 ~~precinct inspector in another precinct.~~

5 ~~—— (d) Is 60 years of age or older.~~

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

9 ~~—— (f) Cannot attend the polls on election day because of being~~
10 ~~confined in jail awaiting arraignment or trial.~~

11 ~~—— (2) Subsection (1) does not apply to **ABSENT VOTER DOES NOT**~~
12 ~~**INCLUDE** a person who has moved outside of this state, regardless~~
13 ~~of length of his or her residence outside of this state, and who~~
14 ~~no longer maintains an actual residence in this state. The~~
15 ~~storage of personal effects or household goods, the ownership of~~
16 ~~property that is rented or leased to others, or occasional brief~~
17 ~~visits to a former domicile in this state while residing outside~~
18 ~~of this state for most of the year ~~does~~ **DO** not constitute a~~
19 ~~residence for voting purposes in this state, except for each of~~
20 ~~the following:~~

21 (a) A person described in section 1 of article II of the
22 state constitution of 1963 and statutes enacted under that
23 section.

24 (b) A person described in section 759a.

25 Sec. 759. (1) At any time during the 75 days before a
26 primary **ELECTION** or special primary **ELECTION**, but not later than
27 2 p.m. of the Saturday immediately before the primary **ELECTION** or

1 special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote
2 as an absent voter ~~, as defined in section 758,~~ may apply for an
3 absent voter ballot. The elector shall apply in person or by mail
4 with the clerk of the township, city, or village in which the
5 elector is registered. An application received before a primary
6 **ELECTION** or special primary **ELECTION** may be for either that
7 primary **ELECTION** only, or for that primary **ELECTION** and the
8 election that follows.

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

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

18 (a) By a written request signed by the ~~voter~~ ~~stating the~~
19 ~~statutory grounds for making the application~~ **ELECTOR**.

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

22 (c) On a federal postcard application.

23 (4) An applicant for an absent voter ballot shall sign the
24 application. A clerk or assistant clerk shall not deliver an
25 absent voter ballot to an applicant who does not sign the
26 application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A**
27 **SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant;

1 a member of the applicant's immediate family; a person residing
 2 in the applicant's household; a person whose job normally
 3 includes the handling of mail, but only during the course of his
 4 or her employment; a registered elector requested by the
 5 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the
 6 clerk, or other authorized election official. ~~shall not be in~~
 7 ~~possession of a signed absent voter ballot application.~~ A
 8 registered elector who is requested by the applicant to return
 9 his or her absent voter ballot application shall sign the
 10 certificate on the absent voter ballot application.

11 (5) The clerk of the city, township, or village shall have
 12 absent voter ballot application forms available in the **CLERK'S**
 13 ~~office of the clerk~~ at all times and shall furnish an absent
 14 voter ballot application form to anyone upon a verbal or written
 15 request. The absent voter ballot application shall be in
 16 substantially the following form:

17 "Application for absent voter ballot for:
 18 [] The primary **ELECTION** or special primary election to be
 19 held on, 19... [DATE].

20 [] The election to be held on, 19... .

21 (Check applicable election or elections)

22 I,, a qualified and
 23 registered elector of the precinct of the township
 24 of or village of or of the
 25 ward of the city of, in the
 26 county of and state of
 27 Michigan, apply for an official ballot, or ballots, to be voted

1 by me at the election or elections as requested in this
2 application.

3 ~~— The statutory grounds on which I base my request are:~~

4 ~~— [] I expect to be absent from the community in which I am~~
5 ~~registered for the entire time the polls are open on election~~
6 ~~day.~~

7 ~~— [] I am physically unable to attend the polls without the~~
8 ~~assistance of another.~~

9 ~~— [] I cannot attend the polls because of the tenets of my~~
10 ~~religion.~~

11 ~~— [] I have been appointed an election precinct inspector in~~
12 ~~a precinct other than the precinct where I reside.~~

13 ~~— [] I am 60 years of age or older.~~

14 ~~— [] I cannot attend the polls because I am confined to jail~~
15 ~~awaiting arraignment or trial.~~

16 ~~— (Check applicable reason)~~

17 Send absent voter ballot to me at:

18
19 (Street No. or R.R.)

20
21 (Post Office) (State) (ZIP CODE)

22 My registered address
23 (Street No. or R.R.)

24
25 (Post Office) (State) (ZIP CODE)

26 Date.....

27 I ~~declare~~**CERTIFY** that the statements in this absent voter
28 ballot application are true.

29
30 (Signature)

1

WARNING

2

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office ~~of the clerk~~ must have credentials signed by the clerk.

10

Ask to see his or her credentials before entrusting your

11

application with a person claiming to have the clerk's

12

authorization to return your application.

13

Certificate of Authorized Registered

14

Elector Returning Absent Voter

15

Ballot Application

16

I certify that my name is , my address

17

is , and my date of birth is ;

18

that I am delivering the absent voter ballot application of

19

..... at his or her request; that I did not

20

solicit or request to return the application; that I have not

21

made any markings on the application; that I have not altered the

22

application in any way; that I have not influenced the applicant;

23

and that I am aware that a false statement in this certificate is

24

a violation of Michigan election law.

1 _____
2 (Date) (Signature) "

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

6 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

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

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

25 (d) ~~In the event~~ IF an applicant cannot return the

1 application in any of the above methods, the applicant may select
2 any registered elector to return the application. The person
3 returning the application must sign and return the certificate at
4 the bottom of the application.

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

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

17 Sec. 759b. (1) ~~Any~~A registered elector may apply for **AN**
18 absent voter ballots ~~BALLOT~~ at any time ~~prior to~~**BEFORE** 4 p.m. on
19 election day if ~~he shall have become physically disabled or shall~~
20 ~~be absent from the city or township because of sickness or death~~
21 ~~in the family which~~**AN EVENT** has occurred at a time which has
22 **THAT** made it impossible to apply for **AN** absent voter ballots
23 **BALLOT** by the statutory deadline. The application shall be called
24 an emergency absent voter **BALLOT** application.

25 (2) Emergency absent voter **BALLOT** applications may be made
26 by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND**
27 provided by the clerk. The application shall set forth that the

1 voter is qualified to vote in the election, ~~stating the~~
2 ~~statutory reason for applying for an emergency absent voter~~
3 ~~ballot and that the reason for applying after the statutory~~
4 ~~deadline~~ **AN EVENT** occurred at such a time to make it impossible
5 to file an application for **AN** absent voter ballots ~~BALLOT~~ by the
6 statutory deadline.

7 (3) ~~Any~~ **A** person intentionally making a false statement in
8 ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a
9 felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **ANOTHER** person to
10 make a false statement ~~on such~~ **IN AN EMERGENCY ABSENT VOTER**
11 **BALLOT** application is guilty of a felony.

12 (4) Upon receipt by the clerk of a valid application for an
13 emergency absent voter ballot, the clerk may deliver the ballots
14 **ABSENT VOTER BALLOT** to the applicant in person, through a deputy
15 or an election assistant, or ~~he may deliver them at his OR HER~~
16 office to a person named by the applicant in the **EMERGENCY ABSENT**
17 **VOTER BALLOT** application. The **ABSENT** voter may return the ballots
18 **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided~~
19 ~~therefor~~ in any manner. ~~he sees fit. To~~ **HOWEVER, TO** be valid,
20 ~~ballots must be returned~~ **THE ABSENT VOTER SHALL RETURN THE ABSENT**
21 **VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR**
22 **THAT REASON AND** in time to be delivered to the polls ~~prior to~~
23 **BEFORE 8 p.m.** on election day.

HOUSE BILL No. 4134

January 25, 2007, Introduced by Reps. Bieda, Wojno, Miller, Clack, Donigan, Meisner, Kathleen Law, Wenke, Valentine, Tobocman, Ebli, Lemmons, Meadows, Corriveau, Melton, Condino, Byrum, Lahti, McDowell, Lindberg, Spade, Byrnes, Polidori, Clemente, Gillard, Bennett, Brown, Leland, Young, Bauer, Espinoza, Accavitti, Vagnozzi, Simpson, Hammon, Hammel, Warren, Alma Smith, Sheltroun, Robert Jones, Farrah, Mayes, Angerer, Sak, Gaffney, Nofs, Steil, Rick Jones, Stakoe, Hildenbrand, Caul, Jackson, Hune, Marleau, Calley, Moolenaar, Hood, Hopgood, LaJoy, LeBlanc, Johnson, Ball, Dean and Gonzales and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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2 "absent voter" means a qualified and registered elector who ~~meets~~
3 ~~1 or more of the following requirements:~~
4 ~~— (a) On account of physical disability, cannot without~~
5 ~~another's assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on
6 the day of an election.
7 ~~— (b) On account of the tenets of his or her religion, cannot~~

1 ~~attend the polls on the day of election.~~

2 ~~—— (c) Cannot attend the polls on the day of an election in the~~
 3 ~~precinct in which he or she resides because of being an election~~
 4 ~~precinct inspector in another precinct.~~

5 ~~—— (d) Is 60 years of age or older.~~

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

9 ~~—— (f) Cannot attend the polls on election day because of being~~
 10 ~~confined in jail awaiting arraignment or trial.~~

11 ~~—— (2) Subsection (1) does not apply to~~ **ABSENT VOTER DOES NOT**
 12 **INCLUDE** a person who has moved outside of this state, regardless
 13 of length of his or her residence outside of this state, and who
 14 no longer maintains an actual residence in this state. The
 15 storage of personal effects or household goods, the ownership of
 16 property that is rented or leased to others, or occasional brief
 17 visits to a former domicile in this state while residing outside
 18 of this state for most of the year ~~does~~ **DO** not constitute a
 19 residence for voting purposes in this state, except for each of
 20 the following:

21 (a) A person described in section 1 of article II of the
 22 state constitution of 1963 and statutes enacted under that
 23 section.

24 (b) A person described in section 759a.

25 Sec. 759. (1) At any time during the 75 days before a
 26 primary **ELECTION** or special primary **ELECTION**, but not later than
 27 2 p.m. of the Saturday immediately before the primary **ELECTION** or

1 special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote
2 as an absent voter ~~, as defined in section 758,~~ may apply for an
3 absent voter ballot. The elector shall apply in person or by mail
4 with the clerk of the township, city, or village in which the
5 elector is registered. An application received before a primary
6 **ELECTION** or special primary **ELECTION** may be for either that
7 primary **ELECTION** only, or for that primary **ELECTION** and the
8 election that follows.

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

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

18 (a) By a written request signed by the ~~voter stating the~~
19 ~~statutory grounds for making the application~~ **ELECTOR**.

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

22 (c) On a federal postcard application.

23 (4) An applicant for an absent voter ballot shall sign the
24 application. A clerk or assistant clerk shall not deliver an
25 absent voter ballot to an applicant who does not sign the
26 application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A**
27 **SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant;

1 a member of the applicant's immediate family; a person residing
 2 in the applicant's household; a person whose job normally
 3 includes the handling of mail, but only during the course of his
 4 or her employment; a registered elector requested by the
 5 applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the
 6 clerk, or other authorized election official. ~~shall not be in~~
 7 ~~possession of a signed absent voter ballot application.~~ A
 8 registered elector who is requested by the applicant to return
 9 his or her absent voter ballot application shall sign the
 10 certificate on the absent voter ballot application.

11 (5) The clerk of the city, township, or village shall have
 12 absent voter ballot application forms available in the **CLERK'S**
 13 ~~office of the clerk~~ at all times and shall furnish an absent
 14 voter ballot application form to anyone upon a verbal or written
 15 request. The absent voter ballot application shall be in
 16 substantially the following form:

17 "Application for absent voter ballot for:
 18 [] The primary **ELECTION** or special primary election to be
 19 held on, 19... [DATE].
 20 [] The election to be held on, 19...
 21 _____ [DATE].

22 (Check applicable election or elections)

23 I,, a qualified and
 24 registered elector of the precinct of the township
 25 of or village of or of the
 26 ward of the city of, in the
 27 county of and state of

1 Michigan, apply for an official ballot, or ballots, to be voted
2 by me at the election or elections as requested in this
3 application.

4 ~~_____ The statutory grounds on which I base my request are:~~

5 ~~_____ [] I expect to be absent from the community in which I am~~
6 ~~registered for the entire time the polls are open on election~~
7 ~~day.~~

8 ~~_____ [] I am physically unable to attend the polls without the~~
9 ~~assistance of another.~~

10 ~~_____ [] I cannot attend the polls because of the tenets of my~~
11 ~~religion.~~

12 ~~_____ [] I have been appointed an election precinct inspector in~~
13 ~~a precinct other than the precinct where I reside.~~

14 ~~_____ [] I am 60 years of age or older.~~

15 ~~_____ [] I cannot attend the polls because I am confined to jail~~
16 ~~awaiting arraignment or trial.~~

17 ~~_____ (Check applicable reason)~~

18 Send absent voter ballot to me at:

19
20 (Street No. or R.R.)

21
22 (Post Office) (State) (ZIP CODE)

23 My registered address
24 (Street No. or R.R.)

25
26 (Post Office) (State) (ZIP CODE)

27 Date.....

28 I declare ~~CERTIFY~~ that the statements in this absent voter
29 ballot application are true.

1
2

.....
(Signature)

3

WARNING

4

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office ~~of the clerk~~ must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

15

Certificate of Authorized Registered

16

Elector Returning Absent Voter

17

Ballot Application

18

I certify that my name is , my address is , and my date of birth is ; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is

1 a violation of Michigan election law.

2
3

_____ (Date)

_____ (Signature)"

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

7

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

12 Step 2. Deliver the application by 1 of the following
13 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**
20 office, ~~of the clerk,~~ to the clerk, or to an authorized assistant
21 of the clerk.

22 (c) In either (a) or (b), a member of the immediate family
23 of the voter including a father-in-law, mother-in-law, brother-
24 in-law, sister-in-law, son-in-law, daughter-in-law, grandparent,
25 or grandchild or a person residing in the voter's household may

1 mail or deliver the application to the clerk for the applicant.

2 (d) ~~In the event~~ IF an applicant cannot return the
3 application in any of the above methods, the applicant may select
4 any registered elector to return the application. The person
5 returning the application must sign and return the certificate at
6 the bottom of the application.

7 (7) A person who prints and distributes absent voter ballot
8 applications shall print on the application the warning,
9 certificate of authorized registered elector returning absent
10 voter ballot application, and instructions required by this
11 section.

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

19 Sec. 759b. (1) ~~Any~~A registered elector may apply for AN
20 absent voter ballots ~~BALLOT~~ at any time ~~prior to~~BEFORE 4 p.m. on
21 election day if he ~~shall have become physically disabled or shall~~
22 ~~be absent from the city or township because of sickness or death~~
23 ~~in the family which~~AN EVENT has occurred at a time which has
24 THAT made it impossible to apply for AN absent voter ballots
25 BALLOT by the statutory deadline. The application shall be called
26 an emergency absent voter BALLOT application.

27 (2) Emergency absent voter BALLOT applications may be made

1 by letter or on a form PRESCRIBED BY THE SECRETARY OF STATE AND
2 provided by the clerk. The application shall set forth that the
3 voter is qualified to vote in the election, ~~stating the~~
4 ~~statutory reason for applying for an emergency absent voter~~
5 ~~ballot and that the reason for applying after the statutory~~
6 ~~deadline~~ AN EVENT occurred at such a time to make it impossible
7 to file an application for AN absent voter ballots ~~BALLOT~~ by the
8 statutory deadline. THE SECRETARY OF STATE SHALL PRESCRIBE A
9 STANDARD EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM,
10 INCLUDING THE SIZE OF THE FORM AND THE COLOR OF PAPER UPON WHICH
11 A FORM IS PRINTED.

12 (3) ~~Any~~ A person intentionally making a false statement in
13 ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of a
14 felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person to
15 make a false statement ~~on such~~ IN AN EMERGENCY ABSENT VOTER
16 BALLOT application is guilty of a felony.

17 (4) Upon receipt by the clerk of a valid application for an
18 emergency absent voter ballot, the clerk may deliver the ballots
19 ABSENT VOTER BALLOT to the applicant in person, through a deputy
20 or an election assistant, or ~~he may deliver them~~ at his OR HER
21 office to a person named by the applicant in the EMERGENCY ABSENT
22 VOTER BALLOT application. The ABSENT voter may return the ballots
23 ABSENT VOTER BALLOT to the clerk ~~in the sealed envelope provided~~
24 ~~therefor~~ in any manner. ~~he sees fit. To~~ HOWEVER, TO be valid,
25 ~~ballots must be returned~~ THE ABSENT VOTER SHALL RETURN THE ABSENT
26 VOTER BALLOT to the clerk IN THE SEALED ENVELOPE PROVIDED FOR
27 THAT REASON AND in time to be delivered to the polls ~~prior to~~

1 BEFORE 8 p.m. on election day.