



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by August 1, 2026. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The Committee proposes new jury instructions for five election-related crimes found in MCL 168.932(e)-(i): M Crim JI 43.7 (Marking or Altering Another Person’s Absentee Ballot), M Crim JI 43.7a (Possessing or Agreeing to Return an Absentee Ballot Mailed or Delivered to Another Person), M Crim JI 43.7b (Influencing or Attempting to Influence a Disabled Absentee Voter’s Vote), M Crim JI 43.7c (Influencing or Attempting to Influence an Absentee Voter While Voting), and M Crim JI 43.7d (Planning or Organizing a Meeting Where Absentee Voters Would Mark Their Ballots). These instructions are entirely new.

**[NEW] M Crim JI 43.7 Marking or Altering Another
Person’s Absentee Ballot**

(1) The defendant is charged with the crime of opening, marking, altering, or substituting an absentee voter’s ballot.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant was in possession of an absentee voter ballot² that was mailed or delivered to [*(identify absentee voter)* / another person].

(3) Second, that the defendant was not legally involved in counting absentee ballots when in possession of the absentee voter ballot.

(4) Third, that the defendant

[*Read any that apply:*]

(a) opened the envelope containing the ballot.

- (b) marked the ballot in some way.
- (c) altered the ballot in any way.
- (d) substituted a ballot for the one in [his / her] possession.

[(5) Fourth, that when the defendant marked the ballot, the defendant was not assisting an absentee voter who was disabled or otherwise unable to mark the ballot by marking the ballot as directed by the absentee voter.]³

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. *Absent voter ballot* is defined in MCL 168.2(b) as “a ballot that is issued to a voter through the absent voter process.” That process is described in MCL 168.759.

3. Paragraph (5) may be omitted if there is no evidence that the defendant marked the ballot as directed by an absentee voter who was disabled or otherwise unable to mark the ballot. The terms *disabled* and *otherwise unable to mark the ballot* are not defined in the Michigan Election Act or any applicable statute.

[NEW] M Crim JI 43.7a

**Possessing or Agreeing to Return an
Absentee Ballot Mailed or Delivered
to Another Person**

(1) The defendant is charged with the crime of [possessing an absentee ballot mailed or delivered to another person / returning, offering, or agreeing to return an absentee ballot to a clerk’s office].¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [was in possession of an absentee voter ballot² that was mailed or delivered to ([*identify absentee voter*] / another person) / (returned / offered or agreed to return) another person’s absentee ballot to the clerk of (*identify city, village, or township*)].

(3) Second, that when the defendant [possessed / returned, offered, or agreed to return] the absentee voter’s ballot, it was not the defendant’s ballot and [he / she] was not a member of [*identify absentee voter*]’s household or immediate family,³ a mail handler in the course of employment, or a clerk or assistant clerk conducting the election.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. *Absent voter ballot* is defined in MCL 168.2(b) as “a ballot that is issued to a voter through the absent voter process.” That process is described in MCL 168.759. In light of the statute’s complexity in describing the number of ways a ballot may be obtained, whether a document is a legitimate absentee ballot appears to be a legal question for the court.

3. MCL 168.2(o) provides that *immediate family* “means an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.” MCL 168.932(f) includes the following persons as also being *immediate family*: father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(1) The defendant is charged with the crime of influencing or attempting to influence a disabled absentee voter's vote.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name disabled absentee voter*] was an absentee voter² who had a right to vote in the [*date of election*] election.

(3) Second, that [*name disabled absentee voter*] was disabled or otherwise unable to mark a ballot.³

(4) Third, that the defendant assisted [*name disabled absentee voter*] in marking [his / her] ballot.

(5) Fourth, that while doing so, the defendant [suggested to (*name disabled absentee voter*) how to vote / attempted to influence (*name disabled absentee voter*)'s vote / allowed another person to suggest to (*name disabled absentee voter*) how to vote / allowed another person to attempt to influence (*name disabled absentee voter*)'s vote].

(6) Fifth, that the defendant [intended / knew another person intended] to influence how [*name disabled absentee voter*] voted while assisting [him / her] in marking the ballot.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person

who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

3. The terms *disabled* and *otherwise unable to mark the ballot* are not defined in the Michigan Election Act or any applicable statute.

[NEW] M Crim JI 43.7c Influencing or Attempting to Influence an Absentee Voter’s Vote

(1) The defendant is charged with the crime of influencing or attempting to influence an absentee voter’s vote.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that [*name absentee voter*] was an absentee voter² who had a right to vote in the [*date of election*] election.

(3) Second, that the defendant was present when [*name absentee voter*] was marking [his / her] absentee ballot.

(4) Third, that while [*name absentee voter*] was marking [his / her] absentee ballot, the defendant suggested to [*name absentee voter*] how to vote or attempted to influence [*name absentee voter*]’s vote.

(5) Fourth, that the defendant intended to influence how [*name absentee voter*] voted while [he / she] was marking [his / her] absentee ballot.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or

ballot rather than a person who is engaged in voting but merely not present at the voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

[NEW] M Crim JI 43.7d Planning or Organizing a Meeting to Where Absentee Voters Would Mark Their Ballots

(1) The defendant is charged with the crime of planning or organizing a meeting where absentee voters would mark their ballots.¹ To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant planned or organized a meeting for absentee voters² to mark their absentee voter ballots for the [*date of election*] election.

(3) Second, that the defendant intended that absentee voters would mark their ballots for the [*date of election*] at that meeting.

Use Notes

1. The statute, MCL 168.932, references “absent voter” and “absent voter ballot,” as does the definitional statute, MCL 168.2. The Committee on Model Criminal Jury Instructions believes that the common parlance for such voters and ballots is the word “absentee,” as in “absentee voter” and “absentee voter ballot.” Because the statutory phrasing could be confusing as suggesting a missing person or ballot rather than a person who is engaged in voting but merely not present at the

voting polls or a ballot sent to such a person, the term “absentee” has been used in these instructions.

2. In MCL 168.2(a) of the Michigan Election Law Act, the phrase *absentee voter* means “a voter who utilizes the process described in section 759.” MCL 168.759 describes the process for becoming an absentee voter. That statute references a *registered voter*, which is described in MCL 168.509t(1) as “a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993.” MCL 168.10(1) provides that a *qualified elector* “means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.” Mich Const 1963 art 2, §1, defines *elector* as “[e]very citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law.” US Const amend XXVI, §1, provides, “The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”