

ELECTION CHALLENGERS

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House Bill 4897 (H-1) as reported from committee

Sponsor: Rep. Julie Calley

Committee: Elections and Ethics

Complete to 1-20-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4897 would modify the requirements for election challengers in the Michigan Election Law.

Section 727 of the act provides that an election inspector must challenge an applicant for a ballot for certain reasons, including if the inspector knows that the person is not a registered elector of the precinct. (A registered elector also may challenge for this reason.) Additionally, an inspector or qualified challenger may challenge a person attempting to vote who previously applied for an absent voter (AV) ballot and who claims that it was not received or was lost or destroyed. Such challenges may not be made indiscriminately and without good cause.

In addition, section 730 allows a political party or an incorporated organization or organized committee of citizens interested in the adoption or defeat of a ballot question or in safeguarding the election to designate up to two challengers at a time per precinct and one per counting board.

The bill would still allow up to two challengers per precinct and would clarify that up to one challenger may be appointed per counting board *precinct*. It also would add that political parties, incorporated organizations, or organized committees of interested citizens may designate additional challengers at an AV counting board precinct, or a combined AV counting board precinct, if any area where the AV ballots are being processed cannot be properly viewed, including any area where the adjudication machine or ballot tabulators are located.

Additionally under the bill, a political party, incorporated organization, or organized committee of interested citizens could designate up to two challengers to serve at a city or township clerk's office or any satellite office of the city or township clerk, in an area designated by the clerk for challengers, at any one time on election day. The designated area could not be located in a space that interferes with the working operations of other city or township clerk business. Challengers would only be authorized to be in their designated area.

The bill also would modify a current requirement that a candidate may not serve as a challenger at an election in which he or she is a candidate to provide instead that he or she may not serve as a challenger in any precinct in the jurisdiction where he or she is a candidate in that election.

City and township clerks' offices and satellite offices would be added as locations where certain requirements exist for precincts or polling places, including among other provisions the ability for a challenger to be designated to serve in more than one of those locations, reasons for expulsion of a challenger from a location, and the prohibition on a challenger threatening an elector entering one of those locations, applying to vote, or voting.

The bill also would create requirements for city and township clerks' offices and satellite offices that parallel those that currently exist for precincts (except that it would not allow for

the inspection of poll books). Namely, it would require each city or township clerk to select and provide a designated area in the clerk's office or any satellite office that enables challengers to observe electors registering to vote and voting an AV ballot on election day. The designated area could not be in a space that interferes with the working operations of other clerk business. Challengers would only be authorized to be in their designated areas. Such a challenger could do one or more of the following:

- Observe the manner in which the duties of the city or township clerk and other election officials are being performed.
- Challenge the voting rights of an individual who the challenger has good reason to believe is not a registered elector.
- Challenge an election procedure that is not being properly performed.
- Bring any of the following to the city or township clerk's or other election official's attention:
 - Improper handling of an AV ballot or AV ballot return envelope by an elector or the city or township clerk or other election individual.
 - Campaigning being performed inside the clerk's office or satellite office.
 - A violation of election law or other prescribed election procedure.
- Keep records of any election procedure as the challenger desires.

All challenges made by challengers at the city or township clerk's office or satellite offices on election day would have to be recorded by the clerk in a poll book addendum to be delivered with the AV ballots to the location where those AV ballots will be tabulated.

MCL 168.730, 168.731, and 168.733

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of Pure Integrity for Michigan Elections testified in support of the bill. (6-3-21)

A representative of the Department of State testified in opposition to the bill. (9-14-21)

The following entities indicated opposition to the bill:

- ACLU of Michigan (6-3-21)
- Promote the Vote (6-3-21)
- Michigan Association of Municipal Clerks (6-3-21)
- Voters Not Politicians (9-14-21)
- Michigan Democratic Party (9-14-21)
- Michigan League of Conservation Voters (9-14-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.