



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 279 (as introduced 3-24-21)
Sponsor: Senator Ruth A. Johnson
Committee: Elections

Date Completed: 5-12-21

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Allow a challenger to serve in more than one AVCB if the entity that designated him or her as a challenger indicated in which AVCBs the challenger would serve.**
- **Specify that, if more than one challenger served at an AVCB, only one of the challengers would have the authority to initiate a challenge at any given time.**
- **Allow two challengers to be designated for the initial 2,999 absentee ballots that were assigned to be counted at a combined AVCB, and one additional challenger for every 2,999 absentee ballots over the initial 2,999 ballots assigned to that AVCB.**
- **Allow a challenger or challengers to be replaced at an AVCB if that AVCB continued to work after the polls closed on election day.**
- **Require a challenger designated to replace another challenger at an AVCB to meet the qualifications prescribed by the Law to be a challenger.**

Poll Challengers

Under the Law, a political party or incorporated organization or organized committee of interested citizens may designate challengers. Except as otherwise provided, any of these entities may designate up to two challengers to serve in a precinct at any one time and may designate one challenger to serve at each counting board. The bill specifies that this would apply except as otherwise provided and, instead of counting board, the bill would refer to an AVCB.

A challenger may be designated to serve in more than one precinct, and the designating entity must indicate in which precincts the challenger will serve. Under the bill, this provision also would apply to AVCBs.

If more than one challenger of a political party, incorporated organization, or organized committee of interested citizens is serving in a precinct at any one time, only one of the challenger has the authority to initiate a challenge at any given time. This provisions also would apply to challengers who served at an AVCB.

If an AVCB or AVCBs were established by an agreement entered into between clerks of a city or township to establish a combined AVCB, and the county, city, or township clerk responsible for counting the absentee ballots under that agreement assigned more than 2,999 absentee ballots to be countered by a single AVCB, a political party, incorporated organization, or organized committee of interested citizens could designate the following at the AVCB:

- Two challengers for the initial 2,999 absentee ballots assigned to be counted at that AVCB.
- One additional challenger for every 2,999 absentee ballots over the initial 2,999 ballots assigned to be counted at that AVCB.

If an AVCB continued to work after the polls close on election day, a political party, incorporated organization, or organized committee of interested citizens that designated a challenger or challengers to that AVCB could replace, after the polls closed on election day, that challenger or those challengers in that AVCB. Any challenger designated to replace another challenger would have to meet the requirements prescribed by the Law to qualify as a challenger. (Under the Law, a challenger must be a registered to vote in Michigan. A challenger cannot serve as a challenger in any election in which he or she is a candidate. A person appointed as an election inspector also cannot act as a challenger at any time during the election day.)

Absent Voter Counting Boards

Under the Law, the clerk of a city or township may:

- Enter into an agreement with the clerk of another city or township, or with the clerks of more than one city or township, located in the same county as that city or township to establish a combined AVCB to count the absentee ballots for each participating city or township.
- Enter into an agreement with the clerk of another city or township located in the same county that authorizes the clerk of one participating city or township to process and count the absentee ballots for both participating entities by using the AVCB of that participating city or township.
- Enter into an agreement with the clerk of the county in which that city or township is located to establish an AVCB to count the absentee ballots for that city or township; if a city or township has boundaries located in more than one county, the clerk of the city or township must only enter into agreement with the county clerk of the county in which the majority of electors of the city or township reside.

Under the bill, the agreements described above also would apply to more than one AVCB. Additionally, the bill specifies that the current requirements for an AVCB established by an agreement would apply to each AVCB established under that provision.

MCL 168.730 et al.

Legislative Analyst: Dana Adams

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

SAS\S2122\s279sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.