

**SUBSTITUTE FOR
HOUSE BILL NO. 4897**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 730, 731, and 733 (MCL 168.730, 168.731, and
168.733), sections 730 and 731 as amended by 1995 PA 261 and
section 733 as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 730. (1) At an election, a political party or an
2 incorporated organization or organized committee of citizens
3 interested in the adoption or defeat of a ballot question being
4 voted for or upon at the election, or interested in preserving the
5 purity of elections and in guarding against the abuse of the
6 elective franchise, may designate challengers as provided in this
7 act. Except as otherwise provided in this act, a political party,

1 incorporated organization, or organized committee of interested
2 citizens may designate not more than 2 challengers to serve in a
3 precinct at any 1 time. A political party, incorporated
4 organization, or organized committee of interested citizens may
5 designate not more than 1 challenger to serve at each counting
6 board precinct. **A political party, incorporated organization, or**
7 **organized committee of interested citizens may designate additional**
8 **challengers at an absent voter counting board precinct, or a**
9 **combined absent voter counting board precinct established under**
10 **section 764d, if any area where the absent voter ballots are being**
11 **processed by election inspectors at that absent voter counting**
12 **board precinct or combined absent voter counting board precinct**
13 **cannot be properly viewed, including, but not limited to, any area**
14 **where the adjudication machine or ballot tabulators are located. A**
15 **political party, incorporated organization, or organized committee**
16 **of interested citizens may designate not more than 2 challengers to**
17 **serve at a city or township clerk's office or any satellite office**
18 **of the city or township clerk, in an area designated by the clerk**
19 **for challengers, at any 1 time on election day. The designated area**
20 **selected by the city or township clerk must not be located in a**
21 **space that interferes with the working operations of other city or**
22 **township clerk business. Challengers serving at a city or township**
23 **clerk's office or any satellite office of the city or township**
24 **clerk are only authorized to be in the voting area designated by**
25 **the clerk for challengers.**

26 (2) A challenger ~~shall~~**must** be a registered elector of this
27 state. Except as otherwise provided in this section, a candidate
28 for nomination or election to an office shall not serve as a
29 challenger **in any precinct in the jurisdiction in which he or she**

1 **is a candidate** at the election in which he or she is a candidate. A
 2 candidate for the office of delegate to a county convention may
 3 serve as a challenger in a precinct other than the 1 in which he or
 4 she is a candidate. ~~A person~~ **An individual** who is appointed as an
 5 election inspector at an election shall not act as a challenger at
 6 any time during the election day.

7 (3) A challenger may be designated to serve in more than 1
 8 precinct, **city or township clerk's office, or satellite office of**
 9 **the city or township clerk**. The political party, incorporated
 10 organization, or organized committee of interested citizens shall
 11 indicate which precincts, **city or township clerks' offices, or**
 12 **satellite offices of the city or township clerk** the challenger will
 13 serve when designating challengers under subsection (1). If more
 14 than 1 challenger of a political party, incorporated organization,
 15 or organized committee of interested citizens is serving in a
 16 precinct, **city or township clerk's office, or satellite office of**
 17 **the city or township clerk** at any 1 time, only 1 of the challengers
 18 has the authority to initiate a challenge at any given time. The
 19 challengers ~~shall~~ **must** indicate to the board of election inspectors
 20 **or city or township clerk** which of the 2 **challengers** will have this
 21 authority. The challengers may change this authority and ~~shall~~ **must**
 22 indicate the change to the board of election inspectors **or the city**
 23 **or township clerk**.

24 Sec. 731. (1) Not less than 20 and not more than 30 days
 25 before an election, an incorporated organization or organized
 26 committee of interested citizens other than political party
 27 committees authorized by this act intending to appoint challengers
 28 at the election shall file with the clerk of the county, city,
 29 ~~village~~ or township in which the election is to be held, a

1 statement setting forth the intention of the organization or
2 committee to appoint challengers. The statement ~~shall~~**must** set
3 forth the reason why the organization or committee claims the right
4 to appoint challengers, with a facsimile of the card to be used,
5 and ~~shall~~**must** be signed and sworn to by ~~the chief presiding~~
6 ~~officer, the secretary, or some other~~**an** officer of the
7 organization or committee. The clerk or secretary of state, as
8 applicable under subsection (2), may deny an organization or
9 committee the authorization to appoint challengers if that
10 organization or committee fails to furnish evidence satisfactory to
11 the clerk or secretary of state that the organization or committee
12 is devoted to the purposes enumerated in section 730.

13 (2) Not later than 2 business days after receipt of a
14 statement of intent to appoint challengers under subsection (1), a
15 clerk ~~shall~~**must** approve or deny the organization's or committee's
16 authorization to appoint challengers and notify the organization or
17 committee of that approval or denial. If authorization is denied
18 under this subsection, an organization or committee may appeal the
19 denial with the secretary of state not later than 2 business days
20 after receipt of the denial. Not later than 2 business days after
21 receipt of an appeal of a denial under this subsection, the
22 secretary of state ~~shall~~**must** review the clerk's denial and approve
23 or deny the organization's or committee's authorization to appoint
24 challengers and notify the organization or committee and the clerk
25 of that decision.

26 (3) Before the opening of the polls, the clerk shall certify
27 in writing to the board of election inspectors in a county, city,
28 ~~village,~~ or township in which the election will be conducted the
29 names of organizations and committees that are authorized under

1 this section to appoint and keep challengers at the polling places
2 in the county, city, ~~village,~~ or township.

3 (4) ~~A person~~ **An individual** who files a statement under this
4 section on behalf of an organization or committee that is not
5 authorized by this act to appoint challengers or a clerk who
6 knowingly fails to perform the duties required by this section is
7 guilty of a felony ~~punishable by a fine of not more than~~
8 \$1,000.00 ~~or by imprisonment for not more than 2 years, or both.~~

9 Sec. 733. (1) The board of election inspectors shall provide
10 space for the challengers within the polling place that enables the
11 challengers to observe the election procedure and each ~~person~~
12 **individual** applying to vote. A challenger may do 1 or more of the
13 following:

14 (a) Under the scrutiny of an election inspector, inspect
15 without handling the poll books as ballots are issued to electors
16 and the electors' names being entered in the poll book.

17 (b) Observe the manner in which the duties of the election
18 inspectors are being performed.

19 (c) Challenge the voting rights of ~~a person~~ **an individual** who
20 the challenger has good reason to believe is not a registered
21 elector.

22 (d) Challenge an election procedure that is not being properly
23 performed.

24 (e) Bring to an election inspector's attention any of the
25 following:

26 (i) Improper handling of a ballot by an elector or election
27 inspector.

28 (ii) A violation of a regulation made by the board of election
29 inspectors ~~pursuant to~~ **under** section 742.

1 (iii) Campaigning being performed by an election inspector or
2 other person in violation of section 744.

3 (iv) A violation of election law or other prescribed election
4 procedure.

5 (f) Remain during the canvass of votes and until the statement
6 of returns is duly signed and made.

7 (g) Examine without handling each ballot as it is being
8 counted.

9 (h) Keep records of votes cast and other election procedures
10 as the challenger desires.

11 (i) Observe the recording of absent voter ballots on voting
12 machines.

13 (2) The board of election inspectors shall provide space for
14 each challenger, if any, at each counting board that enables the
15 challengers to observe the counting of the ballots. A challenger at
16 the counting board may do 1 or more of the activities allowed in
17 subsection (1), as applicable.

18 **(3) On election day, each city or township clerk shall select**
19 **and provide space in a designated area at the city or township**
20 **clerk's office or any satellite office of the city or township**
21 **clerk that enables challengers to observe electors who are**
22 **registering to vote and voting an absent voter ballot at the city**
23 **or township clerk's office or any satellite office of the city or**
24 **township clerk on election day. The designated area selected by the**
25 **city or township clerk must not be located in a space that**
26 **interferes with the working operations of other city or township**
27 **clerk business. Challengers serving at a city or township clerk's**
28 **office or any satellite office of the city or township clerk are**
29 **only authorized to be in the voting area designated by the clerk**

1 for challengers. A challenger under this subsection may do 1 or
2 more of the following:

3 (a) Observe the manner in which the duties of the city or
4 township clerk and other election officials are being performed.

5 (b) Challenge the voting rights of an individual who the
6 challenger has good reason to believe is not a registered elector.

7 (c) Challenge an election procedure that is not being properly
8 performed.

9 (d) Bring to the city or township clerk's or other election
10 official's attention any of the following:

11 (i) Improper handling of an absent voter ballot or absent voter
12 ballot return envelope by an elector or the city or township clerk
13 or other election official.

14 (ii) Campaigning being performed inside the city or township
15 clerk's office or any satellite office of the city or township
16 clerk.

17 (iii) A violation of election law or other prescribed election
18 procedure.

19 (e) Keep records of any election procedure as the challenger
20 desires.

21 (4) All challenges made by challengers at the city or township
22 clerk's office or any satellite office of the city or township
23 clerk on election day under subsection (3) must be recorded by the
24 city or township clerk in a poll book addendum that must be
25 delivered with the absent voter ballots to the location where those
26 absent voter ballots will be tabulated.

27 (5) ~~(3)~~ Any evidence of drinking of alcoholic beverages or
28 disorderly conduct is sufficient cause for the expulsion of a
29 challenger from the polling place, ~~or~~ the counting board, a city or

1 **township clerk's office, or any satellite office of the city or**
2 **township clerk.** The election inspectors and other election
3 officials on duty shall protect a challenger in the discharge of
4 his or her duties.

5 **(6)** ~~(4) A person~~ **An individual** shall not threaten or
6 intimidate a challenger while performing an activity allowed under
7 subsection (1), **(2), or (3)**. A challenger shall not threaten or
8 intimidate an elector while the elector is entering the polling
9 place, **city or township clerk's office, or any satellite office of**
10 **the city or township clerk,** applying to vote, entering the voting
11 compartment, voting, or leaving the polling place, **city or township**
12 **clerk's office, or any satellite office of the city or township**
13 **clerk.**