

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Reps. Posthumus, Bollin and Griffin

ENROLLED HOUSE BILL No. 4528

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 31, 683, and 730 (MCL 168.31, 168.683, and 168.730), section 31 as amended by 2012 PA 271, section 683 as amended by 2018 PA 120, and section 730 as amended by 1995 PA 261, and by adding section 730a.

The People of the State of Michigan enact:

Sec. 31. (1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

(c) Publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.

(d) Publish indexed pamphlet copies of the registration, primary, and election laws and furnish to the various county, city, township, and village clerks a sufficient number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions. The secretary of state may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference.

(e) Prescribe and require uniform forms, notices, and supplies the secretary of state considers advisable for use in the conduct of elections and registrations.

(f) Prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of this state.

(g) Require reports from the local election officials the secretary of state considers necessary.

(h) Investigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.

(i) Publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which must be returned to the secretary of state by the county clerks on or before the first day of December following the election. All clerks shall furnish to the secretary of state, promptly and without compensation, any further information requested of the clerks to be used in the compilation of the legislative manual.

(j) Establish a curriculum for comprehensive training and accreditation of all county, city, township, and village officials who are responsible for conducting elections.

(k) Establish a continuing election education program for all county, city, township, and village clerks.

(l) Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election.

(m) Establish a comprehensive training curriculum for all precinct inspectors.

(n) Create an election day dispute resolution team that has regional representatives of the department of state, which team must appear on site, if necessary.

(o) Establish and require a comprehensive training for each county clerk, and for each political party, incorporated organization, and organized committee of interested citizens that seeks to designate election challengers at an election, regarding the processes and procedures on election day and the powers, rights, and duties of election challengers.

(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall promulgate rules establishing uniform standards for state and local nominating, recall, and ballot question petition signatures. The standards for petition signatures may include, but need not be limited to, standards for all of the following:

(a) Determining the validity of registration of a circulator or individual signing a petition.

(b) Determining the genuineness of the signature of a circulator or individual signing a petition, including digitized signatures.

(c) Proper designation of the place of registration of a circulator or individual signing a petition.

Sec. 683. Each county clerk before each primary and election shall, by some reliable means, notify the clerk of each township and city in the county of a training school for election inspectors to be held at a place designated by the county clerk within 20 days before each primary, general, and special election. The township and city clerks shall notify each election inspector appointed to serve at that election of the time and place of the training school. At the meeting, the county clerk shall instruct and demonstrate the manner in which the duties of election inspectors are required by law to be performed, and must include, but not be limited to, the comprehensive training described under section 31(1)(o) regarding the processes and procedures on election day and the powers, rights, and duties of election challengers. The election inspectors, once notified of the time and place of the meeting, shall attend the meeting unless excused by the county clerk for good cause. Compensation may be paid to them by their respective municipalities at a rate as determined by the governing bodies. An election inspector shall not serve in any election unless he or she has within the last preceding 2 years either attended an election school or has passed satisfactorily an examination given by the election commission of the city or township in which appointed. The examination is subject to the approval of the secretary of state. This section does not prevent the appointment of an election inspector to fill a vacancy. This section does not prohibit any city or any township having a population of 10,000 or more from conducting its own training school for election inspectors of that city or township. If a city or township conducts its own training school, election inspectors who attend a city or township training school are not required to attend the county training school.

Sec. 730. (1) At an election, a political party or an incorporated organization or organized committee of citizens interested in the adoption or defeat of a ballot question being voted for or upon at the election, or interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as provided in this act. Except as otherwise provided in this act, a political party, incorporated organization, or organized committee of interested citizens may designate not more than 2 challengers to serve in a precinct at any 1 time. A political party, incorporated organization, or organized committee of interested citizens may designate not more than 1 challenger to serve at each counting board.

(2) A challenger must be a registered elector of this state. Except as otherwise provided in this subsection, a challenger must not serve as a challenger at any election unless he or she has within the last 90 days attended election challenger training as described in section 730a and received a signed certificate of completion for that election challenger training. If a challenger attended election challenger training as described in section 730a within 90 days before an August primary election and that challenger received a signed certificate of completion for that election challenger training, that challenger may serve as a challenger at the subsequent general November election without having to attend election challenger training as described in section 730a unless there has been a statutory change that requires election challenger training to be updated for the subsequent general November election. Except as otherwise provided in this section, a candidate for nomination or election to an office shall not serve as a challenger in any precinct in the jurisdiction in which he or she is a candidate at the election in which he or she is a candidate. A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the 1 in which he or she is a candidate. An individual who is appointed as an election inspector at an election shall not act as a challenger at any time during the election day.

(3) A challenger may be designated to serve in more than 1 precinct. The political party, incorporated organization, or organized committee of interested citizens shall indicate which precincts the challenger will serve when designating challengers under subsection (1). If more than 1 challenger of a political party, incorporated organization, or organized committee of interested citizens is serving in a precinct at any 1 time, only 1 of the challengers has the authority to initiate a challenge at any given time. The challengers shall indicate to the board of election inspectors which of the 2 challengers has this authority. The challengers may change this authority and must indicate the change to the board of election inspectors.

Sec. 730a. (1) Not less than 45 days and not more than 100 days before each primary, general, and special election, each county clerk and the secretary of state must offer election challenger training for each political party, incorporated organization, or organized committee of interested citizens, as described in section 730, that seeks to designate challengers at the election. The election challenger training under this subsection must include, but not be limited to, the comprehensive training described under section 31(1)(o) regarding the processes and procedures on election day, the powers, rights, and duties of election challengers, and training for both precinct polling places and absent voter counting boards.

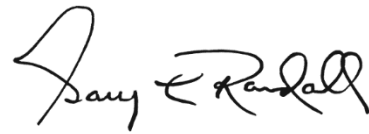
(2) If a political party, incorporated organization, or organized committee of interested citizens seeks to designate challengers at an election, that political party, incorporated organization, or organized committee of interested citizens must attend and complete the election challenger training as provided in subsection (1). A political party, incorporated organization, or organized committee of interested citizens is only required to attend and complete the election challenger training once before each primary, general, and special election as offered by the secretary of state or any county clerk.

(3) The secretary of state shall create and maintain a registry that includes each political party, incorporated organization, and organized committee of interested citizens that completes the election challenger training under this section. For each political party, incorporated organization, and organized committee of interested citizens in the registry, the name of each individual who attended the training and the name of a contact person for that political party, incorporated organization, or organized committee of interested citizens must be included in the registry. If a political party, incorporated organization, or organized committee of interested citizens attends and completes the election challenger training from a county clerk, that county clerk must immediately notify the secretary of state and the secretary of state must add the name of that political party, incorporated organization, or organized committee of interested citizens, the name of each individual who attended the training, and the contact information for that political party, incorporated organization, or organized committee of interested citizens to the registry. The secretary of state must post and maintain the registry on the department of state's website and make the information in the registry available to each county clerk.

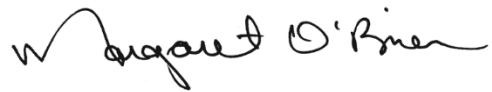
(4) Upon completion of the election challenger training as provided in subsection (1), and before the primary, general, or special election, the political party, incorporated organization, or organized committee of interested citizens must provide election challenger training for those individuals seeking to be election challengers for that political party, incorporated organization, or organized committee of interested citizens. The election challenger training for the individuals seeking to be election challengers must include, but not be limited to, the comprehensive training described under section 31(1)(o) regarding the processes and procedures on election day and the powers, rights, and duties of election challengers. The political party, incorporated organization, or organized committee of interested citizens must provide separate training for those individuals seeking to be election challengers at an absent voter counting board.

(5) Upon completion of the election challenger training under subsection (4), the political party, incorporated organization, or organized committee of interested citizens must issue a certificate of completion, signed by an officer of that political party, incorporated organization, or organized committee of interested citizens, to the individual seeking to be an election challenger. The political party, incorporated organization, or organized committee of interested citizens may issue the certificate of completion electronically to the individual seeking to be an election challenger if the electronic certificate of completion contains an electronic signature from an officer of that political party, incorporated organization, or organized committee of interested citizens. A signed certificate of completion is valid for 90 days after the date it is issued. The political party, incorporated organization, or organized committee of interested citizens must maintain a record of each individual issued a signed certificate of completion by that political party, incorporated organization, or organized committee of interested citizens.

(6) If a political party, incorporated organization, or organized committee of interested citizens issues a signed certificate of completion to an individual who the political party, incorporated organization, or organized committee of interested citizens did not provide election challenger training, the political party, incorporated organization, or organized committee of interested citizens is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor