

HOUSE BILL NO. 4528

March 16, 2021, Introduced by Reps. Posthumus, Bollin and Griffin and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," 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:

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

1 (a) Subject to subsection (2), issue instructions and
2 promulgate rules pursuant to the administrative procedures act of
3 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of
4 elections and registrations in accordance with the laws of this
5 state.

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

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

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

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

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

1 state.

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

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

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

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

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

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

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

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

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

7 (2) Pursuant to the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
9 promulgate rules establishing uniform standards for state and local
10 nominating, recall, and ballot question petition signatures. The
11 standards for petition signatures may include, but need not be
12 limited to, standards for all of the following:

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

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

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

20 Sec. 683. Each county clerk before each primary and election
21 shall, by some reliable means, notify the clerk of each township
22 and city in the county of a training school for election inspectors
23 to be held at a place designated by the county clerk within 20 days
24 before each primary, general, and special election. The township
25 and city clerks shall notify each election inspector appointed to
26 serve at that election of the time and place of the training
27 school. At the meeting, the county clerk shall instruct and
28 demonstrate the manner in which the duties of election inspectors
29 are required by law to be performed, **and must include, but not be**

1 limited to, the comprehensive training described under section
2 31(1)(o) regarding the processes and procedures on election day and
3 the powers, rights, and duties of election challengers. ~~It is the~~
4 ~~duty of the~~ **The election** inspectors, ~~so~~ **once** notified **of the time**
5 **and place of the meeting,** ~~to~~ **shall** attend the meeting unless
6 excused by the county clerk for good cause. Compensation may be
7 paid to them by their respective municipalities at a rate as
8 determined by the governing bodies. An election inspector shall not
9 serve in any election unless he or she has within the last
10 preceding 2 years either attended an election school or has passed
11 satisfactorily an examination given by the election commission of
12 the city or township in which appointed. The examination is subject
13 to the approval of the secretary of state. This section does not
14 prevent the appointment of an election inspector to fill a vacancy.
15 This section does not prohibit any city or any township having a
16 population of 10,000 or more from conducting its own training
17 school for election inspectors of that city or township. If a city
18 or township conducts its own training school, election inspectors
19 who attend a city or township training school are not required to
20 attend the county training school.

21 Sec. 730. (1) At an election, a political party or an
22 incorporated organization or organized committee of citizens
23 interested in the adoption or defeat of a ballot question being
24 voted for or upon at the election, or interested in preserving the
25 purity of elections and in guarding against the abuse of the
26 elective franchise, may designate challengers as provided in this
27 act. Except as otherwise provided in this act, a political party,
28 incorporated organization, or organized committee of interested
29 citizens may designate not more than 2 challengers to serve in a

1 precinct at any 1 time. A political party, incorporated
 2 organization, or organized committee of interested citizens may
 3 designate not more than 1 challenger to serve at each counting
 4 board.

5 (2) A challenger ~~shall~~**must** be a registered elector of this
 6 state. **A challenger must not serve as a challenger at any election**
 7 **unless he or she has within the last 90 days attended election**
 8 **challenger training as described in section 730a and received a**
 9 **certificate of completion for that election challenger training.**

10 Except as otherwise provided in this section, a candidate for
 11 nomination or election to an office shall not serve as a challenger
 12 **in any precinct in the jurisdiction in which he or she is a**
 13 **candidate** at the election in which he or she is a candidate. A
 14 candidate for the office of delegate to a county convention may
 15 serve as a challenger in a precinct other than the 1 in which he or
 16 she is a candidate. ~~A person~~**An individual** who is appointed as an
 17 election inspector at an election shall not act as a challenger at
 18 any time during the election day.

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

1 the change to the board of election inspectors.

2 Sec. 730a. (1) Not less than 20 days before each primary,
3 general, or special election, each county clerk and the secretary
4 of state must provide election challenger training for each
5 political party, incorporated organization, or organized committee
6 of interested citizens, as described in section 730, that seeks to
7 designate challengers at the election. The election challenger
8 training under this subsection must include, but not be limited to,
9 the comprehensive training described under section 31(1)(o)
10 regarding the processes and procedures on election day and the
11 powers, rights, and duties of election challengers.

12 (2) If a political party, incorporated organization, or
13 organized committee of interested citizens, as described in section
14 730, seeks to designate challengers at an election, that political
15 party, incorporated organization, or organized committee of
16 interested citizens must attend and complete election challenger
17 training as provided in subsection (1). Upon completion of the
18 election challenger training as provided in subsection (1), and
19 before the primary, general, or special election, the political
20 party, incorporated organization, or organized committee of
21 interested citizens must provide election challenger training for
22 those individuals seeking to be election challengers for that
23 political party, incorporated organization, or organized committee
24 of interested citizens. The election challenger training for the
25 individuals seeking to be election challengers must include, but
26 not be limited to, the comprehensive training described under
27 section 31(1)(o) regarding the processes and procedures on election
28 day and the powers, rights, and duties of election challengers.

29 (3) Upon completion of the election challenger training under

1 subsection (2), the political party, incorporated organization, or
2 organized committee of interested citizens must issue a certificate
3 of completion to the individual seeking to be an election
4 challenger. A certificate of completion is valid for 90 days after
5 the date it is issued.