

# HOUSE BILL NO. 4897

May 25, 2021, Introduced by Rep. Calley and referred to the Committee on Elections and Ethics.

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

1 voted for or upon at the election, or interested in preserving the  
 2 purity of elections and in guarding against the abuse of the  
 3 elective franchise, may designate challengers as provided in this  
 4 act. Except as otherwise provided in this act, a political party,  
 5 incorporated organization, or organized committee of interested  
 6 citizens may designate not more than 2 challengers to serve in a  
 7 precinct at any 1 time. A political party, incorporated  
 8 organization, or organized committee of interested citizens may  
 9 designate not more than 1 challenger to serve at each counting  
 10 board **precinct. A political party, incorporated organization, or**  
 11 **organized committee of interested citizens may designate 2**  
 12 **additional challengers at an absent voter counting board, including**  
 13 **an absent voter counting board or combined absent voter counting**  
 14 **board established under section 764d, if any area where the absent**  
 15 **voter ballots are being processed by election inspectors at that**  
 16 **absent voter counting board or combined absent voter counting board**  
 17 **cannot be properly viewed, including, but not limited to, any area**  
 18 **where the adjudication machine or ballot tabulators are located. A**  
 19 **political party, incorporated organization, or organized committee**  
 20 **of interested citizens may designate not more than 2 challengers to**  
 21 **serve at a city or township clerk's office or any satellite office**  
 22 **of the city or township clerk, in an area designated by the clerk**  
 23 **for challengers, at any 1 time on election day.**

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

1 serve as a challenger in a precinct other than the 1 in which he or  
2 she is a candidate. ~~A person~~ **An individual** who is appointed as an  
3 election inspector at an election shall not act as a challenger at  
4 any time during the election day.

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

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

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

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

24 (3) Before the opening of the polls, the clerk shall certify  
25 in writing to the board of election inspectors in a county, city,  
26 ~~village,~~ or township in which the election will be conducted the  
27 names of organizations and committees that are authorized under  
28 this section to appoint and keep challengers at the polling places  
29 in the county, city, ~~village,~~ or township.

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

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

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

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

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

20           (d) Challenge an election procedure that is not being properly  
 21 performed.

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

24           (i) Improper handling of a ballot by an elector or election  
 25 inspector.

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

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

1           (iv) A violation of election law or other prescribed election  
2 procedure.

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

5           (g) Examine without handling each ballot as it is being  
6 counted.

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

9           (i) Observe the recording of absent voter ballots on voting  
10 machines.

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

16           **(3) On election day, each city or township clerk shall provide**  
17 **space in a designated area at the city or township clerk's office**  
18 **or any satellite office of the city or township clerk that enables**  
19 **challengers to observe electors who are registering to vote and**  
20 **voting an absent voter ballot at the city or township clerk's**  
21 **office or any satellite office of the city or township clerk on**  
22 **election day. A challenger under this subsection may do 1 or more**  
23 **of the following:**

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

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

28           (c) Challenge an election procedure that is not being properly  
29 performed.

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

3 (i) Improper handling of an absent voter ballot or absent voter  
4 ballot return envelope by an elector or the city or township clerk  
5 or other election official.

6 (ii) Campaigning being performed inside the city or township  
7 clerk's office or any satellite office of the city or township  
8 clerk.

9 (iii) A violation of election law or other prescribed election  
10 procedure.

11 (e) Keep records of any election procedure as the challenger  
12 desires.

13 (4) All challenges made by challengers at the city or township  
14 clerk's office or any satellite office of the city or township  
15 clerk on election day under subsection (3) must be recorded by the  
16 city or township clerk in a poll book addendum that must be  
17 delivered with the absent voter ballots to the location where those  
18 absent voter ballots will be tabulated.

19 (5) ~~(3)~~ Any evidence of drinking of alcoholic beverages or  
20 disorderly conduct is sufficient cause for the expulsion of a  
21 challenger from the polling place, ~~or~~ the counting board, **a city or**  
22 **township clerk's office, or any satellite office of the city or**  
23 **township clerk.** The election inspectors and other election  
24 officials on duty shall protect a challenger in the discharge of  
25 his or her duties.

26 (6) ~~(4) A person~~ **An individual** shall not threaten or  
27 intimidate a challenger while performing an activity allowed under  
28 subsection (1), (2), or (3). A challenger shall not threaten or  
29 intimidate an elector while the elector is entering the polling

1 place, **city or township clerk's office, or any satellite office of**  
2 **the city or township clerk,** applying to vote, entering the voting  
3 compartment, voting, or leaving the polling place, **city or township**  
4 **clerk's office, or any satellite office of the city or township**  
5 **clerk.**