A bill to amend 1954 PA 116, entitled 'Michigan election law,' by amending sections 674 and 677 (MCL 168.674 and 168.677), as amended by 2018 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 674. (1) Notwithstanding any other provision of law to the contrary and subject to this section, the city and township board of election commissioners, at least 21 days but not more than 40 days before each election, but in no case less than 5 days
before the date set for holding schools of instruction, shall
appoint for each election precinct at least 3 election inspectors
and as many more as in its opinion is required for the efficient,
speedy, and proper conduct of the election. The Subject to this
subsection and subsection (2), the board of election commissioners
may appoint as election inspector an individual on the list
submitted by a major political party under section 673a who is
qualified to serve under section 677. An appointment of an election
inspector under this section is void if a properly completed
application for that election inspector is not on file in the
clerk's office as prescribed in section 677. Subject to subsection
(2), the board of election commissioners must give the following
individuals described in subdivision (a) first priority and the
following individuals described in subdivision (b) second priority
when appointing election inspectors under this section:

(a) Those individuals who are on a list submitted by a major
political party under section 673a, have filed a properly completed
application to be an election inspector, and are qualified to serve
as provided under section 677.

(b) Those individuals who are registered and qualified
electors of this state, have filed a properly completed application
to be an election inspector, and are qualified to serve as provided
under section 677.

(2) From the pool of eligible individuals to be appointed as
election inspectors, the board of election commissioners shall
appoint election inspectors by random selection. The board of
election commissioners shall designate 1 appointed election
inspector as chairperson. The Subject to this subsection and
subsection (6), the board of election commissioners shall appoint
at least 1 election inspector from each major political party and
shall appoint an equal number, as nearly as possible, of election
inspectors in each election precinct from each major political
party. However, the board of election commissioners must not
appoint more than 2 election inspectors from a major political
party for every 1 election inspector appointed from the other major
political party for any election precinct in that city or township.
The board of election commissioners may appoint election inspectors
in an election precinct from minor political parties. Not later
than 2 business days following the appointment of election
inspectors under subsection (1) for elections in which a federal or
state office appears, the board of election commissioners shall
notify by certified mail, personal service, or electronic
transmission capable of determining date of receipt the county
chair of each major political party of the names and political
party affiliations of appointed election inspectors and the
precincts to which those election inspectors were appointed. A
board of election commissioners shall not appoint a person—
individual as an election inspector if that person—individual
declares a political party preference for 1 political party but is
a known active advocate of another political party. As used in this
section, "a known active advocate" means a person—individual who
meets 1 or more of the following:

(a) Is a delegate to the convention or an officer of that
other political party.

(b) Is affiliated with that political party through an elected
or appointed government position.

(c) Has made documented public statements specifically
supporting by name the other political party or its candidates in
the same calendar year as the election for which the appointment is being made. As used in this subdivision, "documented public statements" means statements reported by the news media or written statements with a clear and unambiguous attribution to the applicant.

(3) The county chair of a major political party may challenge the appointment of an election inspector based on the qualifications of the election inspector, the legitimacy of the election inspector's political party affiliation, or whether there is a properly completed declaration of political party affiliation in the application for that election inspector on file in the clerk's office. The challenge must be in writing, specifically identify the reason for the challenge, and include any available documentation supporting the challenge. The county chair of the political party shall file a challenge under this subsection with the board of election commissioners not later than 4 business days following receipt of the board of election commissioners' notice of appointed election inspectors under subsection (2).

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee's application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic
transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

(5) If a vacancy occurs in the office of chairperson or in the office of election inspector before election day, the chairperson of the board of election commissioners shall designate some other properly qualified applicant or election inspector as chairperson or some other qualified applicant as election inspector, as applicable, subject to this section. If a vacancy occurs in the office of chairperson on election day, the remaining election inspectors shall designate 1 of the election inspectors as chairperson.

(6) If a city or township board of election commissioners is not able to appoint an equal number of election inspectors from each major political party in each election precinct in that city or township, the clerk of that city or township must submit a report to the secretary of state not more than 10 days after the election detailing all of the efforts the city or township made to appoint an equal number of election inspectors from each major political party in each election precinct in that city or township.

Sec. 677. (1) Except as otherwise provided in subsection (4), a precinct election inspector must be a qualified and registered elector of this state, must have a good reputation, and must have
sufficient education and clerical ability to perform the duties of
the office. A person—An individual must not be appointed to a board
of election inspectors unless the person—individual has filed an
application with a city or township clerk in that county where the
individual wishes to serve as election inspector. At least 40 days
but not more than 90 days before each election, each city and
township clerk must post notice on the city or township website and
post notice at the city or township clerk's office regarding the
application process to be a precinct election inspector. The posted
notice must include information for completing and submitting the
application to be a precinct election inspector electronically to
the city or township clerk. Except as otherwise provided in
sections 673a and 674 and subject to this subsection, the city or
township clerk shall not accept an application to be a precinct
election inspector submitted 90 days or more before an election,
and may only accept an application to be a precinct election
inspector submitted less than 40 days before an election if there
are not sufficient individuals to be appointed precinct election
inspectors in the city or township. Only those individuals who file
a properly completed application to be a precinct election
inspector under this section and who are qualified are to be
appointed as precinct election inspectors.

(2) The—Except as otherwise provided in this subsection, the
application must be in his or her own handwriting and must contain
the applicant's name, home address, ward and precinct registration
if any, date of birth, political party affiliation, education,
employment, and other experience qualifications. Each city or
township clerk must make the application to be a precinct election
inspector available electronically to allow an applicant to
complete and submit his or her application to the city or township clerk electronically. The application must provide a certification that the applicant is not a member or a known active advocate, as that term is defined in section 674, of a political party other than the one entered on the application. The form of the application under this section must be approved by the state director of elections. The clerk shall maintain a file of applications filed under this section and make the applications available for public inspection at the clerk's office during normal business hours.

(3) A person An individual must not be knowingly appointed or permitted to act as a precinct election inspector if the person individual or any member of his or her immediate family is a candidate for nomination or election to any office at the election or who has been convicted of a felony or election crime. A person An individual must not be permitted to act as an election inspector if he or she has failed to attend a school of instruction or failed to take an examination as provided in section 683. This section does not prohibit the candidate for or delegate to a political party convention from acting as an election inspector in a precinct other than the precinct in which he or she resides. An election must not be invalidated merely because of the violation of the provisions of this section.

(4) Except as otherwise provided in this subsection and subject to subsection (5), a person an individual who is 16 or 17 years of age may be appointed to a board of election inspectors. Before a person an individual may be appointed under this subsection, the first 3 members of the board required to be appointed under section 672 must meet the requirements of
subsection (1) to (3). A person—an individual who is appointed under this subsection must meet the requirements of subsections (1) to (3) other than being a qualified and registered elector of this state. A person—an individual who is appointed under this subsection is not eligible to be designated as chairperson of the board under section 674.

(5) If a person—an individual seeking appointment to a board of election inspectors under subsection (4) is attending a K-12 school and if an election falls on a school day, the person individual shall provide to the clerk, along with the application filed under subsections (1) and (2), a written document from his or her school specifically acknowledging that person's individual's application for appointment to the board of election inspectors and specifically excusing that person individual from school on the date of service, if the appointment is made.