

HOUSE BILL NO. 4963

June 03, 2021, Introduced by Reps. Carra, Reilly, Maddock, Griffin, Rendon, Borton, Markkanen, Wozniak, Paquette and Eisen and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31 and 733 (MCL 168.31 and 168.733), section 31 as amended by 2012 PA 271 and section 733 as amended by 1996 PA 583, and by adding section 672a.

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. **The curriculum and**
20 **training under this subdivision must include, but not be limited**
21 **to, both of the following:**

22 (i) **Information on the rights of election challengers to**
23 **conduct their activities in accordance with section 733, and that**
24 **any violation of those rights is a felony.**

25 (ii) **Information on the badge requirement for election**
26 **inspectors as provided in section 672a, and that any violation of**
27 **the badge requirement by an election inspector is a misdemeanor.**

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

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

4 (m) Establish a comprehensive training curriculum for all
5 precinct inspectors. **The training curriculum under this subdivision**
6 **must include, but not be limited to, both of the following:**

7 (i) **Information on the rights of election challengers to**
8 **conduct their activities in accordance with section 733, and that**
9 **any violation of those rights is a felony.**

10 (ii) **Information on the badge requirement for election**
11 **inspectors as provided in section 672a, and that any violation of**
12 **the badge requirement by an election inspector is a misdemeanor.**

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

16 (o) **Establish and require signature verification training for**
17 **all county, city, and township clerks and for all precinct**
18 **inspectors that complies with the rules promulgated by the**
19 **secretary of state under subsection (3) for an objective signature**
20 **verification process.**

21 (2) Pursuant to the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
23 promulgate rules establishing uniform standards for state and local
24 nominating, recall, and ballot question petition signatures. The
25 standards for petition signatures may include, but need not be
26 limited to, standards for all of the following:

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

29 (b) ~~Determining~~**Subject to subsection (3), determining** the

1 genuineness of the signature of a circulator or individual signing
2 a petition, including digitized signatures.

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

5 (3) Pursuant to the administrative procedures act of 1969,
6 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
7 promulgate rules establishing an objective signature verification
8 process that is to be used in training all county, city, and
9 township clerks and all precinct inspectors as required under
10 subsection (1)(o). The objective signature verification process
11 must not include a presumption regarding the validity of any
12 signature that is to be verified.

13 Sec. 672a. (1) Between 7 a.m. and 8 p.m. on election day, and
14 at all other times while in his or her official capacity as an
15 election inspector, an individual appointed and acting as an
16 election inspector must wear a badge that includes his or her first
17 and last name legibly printed on the badge.

18 (2) Each city or township must provide the badge described in
19 subsection (1) to each election inspector appointed in that city or
20 township.

21 (3) An individual appointed and acting as an election
22 inspector who fails to comply with subsection (1) is guilty of a
23 misdemeanor punishable by imprisonment for not more than 93 days or
24 a fine of not more than \$500.00, or both.

25 Sec. 733. (1) ~~The~~ Subject to this subsection, the board of
26 election inspectors shall provide space for the challengers within
27 the polling place that enables the challengers to observe the
28 election procedure and each ~~person~~ individual applying to vote.
29 Each challenger has the right to stand or sit behind the processing

1 **table.** A challenger may do 1 or more of the following:

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

5 (b) **Observe the election process at a reasonable distance from**
6 **the election inspectors. As used in this subdivision, "reasonable**
7 **distance" means a distance that allows the election inspectors**
8 **sufficient room to perform their duties while still allowing**
9 **challengers to clearly read and observe the poll books, tabulators,**
10 **and other election documents and materials used at a polling place**
11 **or counting board.**

12 (c) ~~(b)~~ **Observe and challenge** the manner in which the duties
13 of the election inspectors are being performed.

14 (d) **Observe the processing of electors, but in a manner that**
15 **does not hinder or impede electors.**

16 (e) ~~(c)~~ **Challenge the voting rights of a ~~person~~ an individual**
17 **who the challenger has good reason to believe is not a registered**
18 **elector. As used in this subdivision, "good reason to believe"**
19 **includes, but is not limited to, witnessing any of the following:**

20 (i) **An elector is not present in the poll book.**

21 (ii) **An individual is claiming the identity of another**
22 **individual who has already voted.**

23 (iii) **The identification for election purposes being used**
24 **appears invalid or fraudulent.**

25 (f) ~~(d)~~ **Challenge an election procedure that is not being**
26 **properly performed.**

27 (g) ~~(e)~~ **Bring to an election inspector's attention any of the**
28 **following:**

29 (i) **Improper handling of a ballot by an elector or election**

1 inspector.

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

4 (iii) Campaigning being performed by an election inspector or
5 other ~~person~~**individual** in violation of section 744.

6 (iv) A violation of election law or other prescribed election
7 procedure.

8 **(h) Obtain the vote results generated in the precinct after
9 the polls close.**

10 (i) ~~(f)~~ Remain during the canvass of votes and until the
11 statement of returns is duly signed and made.

12 (j) ~~(g)~~ Examine without handling each ballot as it is being
13 counted.

14 (k) ~~(h)~~ Keep records of votes cast and other election
15 procedures as the challenger desires.

16 (l) ~~(i)~~ Observe the recording of absent voter ballots on voting
17 machines.

18 **(m) Use a smart phone, tablet, laptop, or other electronic
19 device in a polling place or at a counting board as long as the use
20 of that smart phone, tablet, laptop, or other electronic device
21 does not hinder or impede an elector's right to vote or right to
22 vote a secret ballot.**

23 **(n) If a challenger is expelled from a polling place or a
24 counting board, demand and be provided a written explanation for
25 the expulsion from the chairperson of the board of election
26 inspectors.**

27 (2) ~~The~~**Subject to this subsection, the** board of election
28 inspectors shall provide space for each challenger, if any, at each
29 counting board that enables the challengers to observe the counting

1 of the ballots. **Each challenger has the right to stand or sit**
2 **behind the processing table.** A challenger at the counting board may
3 do 1 or more of the activities allowed in subsection (1), as
4 applicable.

5 (3) Any evidence of drinking of alcoholic beverages or
6 disorderly conduct is sufficient cause for the expulsion of a
7 challenger from the polling place or the counting board. The
8 election inspectors and other election officials on duty shall
9 protect a challenger in the discharge of his or her duties.

10 (4) ~~A person~~ **An individual** shall not threaten or intimidate a
11 challenger while performing an activity allowed under subsection
12 (1). A challenger shall not threaten or intimidate an elector while
13 the elector is entering the polling place, applying to vote,
14 entering the voting compartment, voting, or leaving the polling
15 place.

16 (5) **If the chairperson of the board of election inspectors, an**
17 **election inspector, or a challenger infringes on any of the**
18 **established rights of a challenger described in subsection (1), the**
19 **alleged infringement must be noted in the log for the precinct and**
20 **reported to the clerk of the city or township where that precinct**
21 **is located. If the city or township clerk determines that the**
22 **chairperson of the board of election inspectors, an election**
23 **inspector, or a challenger infringed on any of the established**
24 **rights of a challenger described in subsection (1), the city or**
25 **township clerk shall prohibit that individual from overseeing or**
26 **monitoring election activities for 2 years.**

27 (6) **If a challenger is expelled from a polling place or**
28 **counting board, the entity that appointed that expelled challenger**
29 **may appoint another challenger to replace the expelled challenger.**