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:

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

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

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

(k) Establish a continuing election education program for all county, city, township, and village clerks.
(1) 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. The training curriculum under this subdivision must include, but not be limited to, both of the following:

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

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

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

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

(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 Subject to subsection (3), 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.

(3) 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 an objective signature verification process that is to be used in training all county, city, and township clerks and all precinct inspectors as required under subsection (1)(o). The objective signature verification process must not include a presumption regarding the validity of any signature that is to be verified.

Sec. 733. (1) Subject to this subsection, the board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person—individual applying to vote. Each challenger has the right to stand or sit behind the processing
A challenger may do 1 or more of the following:

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

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

(c) Observe and challenge the manner in which the duties of the election inspectors are being performed.

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

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

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

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

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

(f) Challenge an election procedure that is not being properly performed.

(g) Bring to an election inspector's attention any of the following:

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

(ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.

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

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

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

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

(j) Examine without handling each ballot as it is being counted.

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

(l) Observe the recording of absent voter ballots on voting machines.

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

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

(2) Subject to this subsection, the board of election inspectors shall provide space for each challenger, if any, at each counting board that enables the challengers to observe the counting
of the ballots. Each challenger has the right to stand or sit behind the processing table. A challenger at the counting board may do 1 or more of the activities allowed in subsection (1), as applicable.

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

(4) A person shall not threaten or intimidate a challenger while performing an activity allowed under subsection (1). A challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place.

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

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