

SENATE BILL NO. 294

March 24, 2021, Introduced by Senators OUTMAN, LASATA, HORN, THEIS, STAMAS, ZORN, BIZON and BARRETT and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 674 (MCL 168.674), as amended by 2018 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 674. (1) Notwithstanding any other provision of law to
2 the contrary and subject to this section, the city and township
3 board of election commissioners, at least 21 days but not more than
4 40 days before each election, but in no case less than 5 days
5 before the date set for holding schools of instruction, shall

1 appoint for each election precinct at least 3 election inspectors
2 and as many more as in its opinion is required for the efficient,
3 speedy, and proper conduct of the election. The board of election
4 commissioners may appoint as election inspector an individual on
5 the list submitted by a major political party under section 673a
6 who is qualified to serve under section 677. An appointment of an
7 election inspector under this section is void if a properly
8 completed application for that election inspector is not on file in
9 the clerk's office as prescribed in section 677.

10 (2) The board of election commissioners shall designate 1
11 appointed election inspector as chairperson. ~~The~~**Subject to this**
12 **subsection and subsection (6), the** board of election commissioners
13 shall appoint at least 1 election inspector from each major
14 political party and shall appoint an equal number, as nearly as
15 possible, of election inspectors in each election precinct from
16 each major political party. **However, the board of election**
17 **commissioners must not appoint more than 2 election inspectors from**
18 **a major political party for every 1 election inspector appointed**
19 **from the other major political party for any election precinct in**
20 **that city or township.** The board of election commissioners may
21 appoint election inspectors in an election precinct from minor
22 political parties. Not later than 2 business days following the
23 appointment of election inspectors under subsection (1) for
24 elections in which a federal or state office appears, the board of
25 election commissioners shall notify by certified mail, personal
26 service, or electronic transmission capable of determining date of
27 receipt the county chair of each major political party of the names
28 and political party affiliations of appointed election inspectors
29 and the precincts to which those **election** inspectors were

1 appointed. A board of election commissioners shall not appoint a
2 ~~person~~**an individual** as an election inspector if that ~~person~~
3 **individual** declares a political party preference for 1 political
4 party but is a known active advocate of another political party. As
5 used in this section, "a known active advocate" means ~~a person~~**an**
6 **individual** who meets 1 or more of the following:

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

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

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

18 (3) The county chair of a major political party may challenge
19 the appointment of an election inspector based ~~upon~~**on** the
20 qualifications of the election inspector, the legitimacy of the
21 election inspector's political party affiliation, or whether there
22 is a properly completed declaration of political party affiliation
23 in the application for that election inspector on file in the
24 clerk's office. The challenge must be in writing, specifically
25 identify the reason for the challenge, and include any available
26 documentation supporting the challenge. The county chair of the
27 political party shall file a challenge under this subsection with
28 the board of election commissioners not later than 4 business days
29 following receipt of the board of election commissioners' notice of

1 appointed election inspectors under subsection (2).

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

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

1 chairperson.

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