



Senate Bill 1068 (Substitute S-1 as reported)

Sponsor: Senator Jeremy Moss

Committee: Elections and Ethics

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Prescribe the rights of election challengers, including the right to challenge a voter based on the voter's age, citizenship, or registration location.
- Expand, from 30 to 60 days, the maximum time during which an incorporated nonprofit organization or organized committee of interested citizens could inform a clerk of its intention to appoint election challengers.
- Prohibit a candidate up for election or nomination from serving as an election challenger in any location where the candidate's name appeared on any ballot that was issued or processed.
- Allow an election inspector at an early voting site to serve as a challenger during the early voting period but not on election day.
- Allow a challenger to serve in more than one voting site.
- Expand the maximum number of challengers that an organization or committee could appoint at each type of voting site at any one time.
- Require, in each location where challengers were permitted, the clerk, chairperson, or supervisor of the voting site to serve as a challenger liaison.
- Require challengers to follow the direction of a clerk or challenger liaison.
- Require each entity that appointed a challenger to provide to its challengers a credential, in a form prescribed by the Secretary of State (SOS).
- Prescribe permitted and prohibited actions of an election challenger, generally allowing observation of election proceedings and prohibiting interference.
- Require a clerk to provide space for challengers within the public area of the clerk's office that enabled challengers to observe electors requesting and being issued absent voter ballots.
- Allow a challenger in a clerk's office to challenge the right of an elector in the office to be issued an absent voter ballot and to challenge election processes.
- Require the supervisor of an absent voter counting place to provide space for challengers within the counting place that enabled challengers to observe the processing and tabulation of absent voter ballots from a reasonable distance.
- Allow a challenger in an absent voter counting place to challenge an absent voter ballot that was missing a ballot stub, an absent voter ballot with a stub number that did not match the number issued to the elector, an election process that was not being properly performed, or an improper completion of a ballot envelope's clerk signature section.
- Allow an elector to return an absent voter ballot to an early voting site.
- Require an election inspector to confirm with a clerk that an absent voter ballot was not received or accepted before an elector who wished to vote in person and had not surrendered an absent voter ballot could vote in-person.
- Shorten the time during which an elector could return a card verifying or updating the elector's address to a clerk, from 30 days to 15 days before an election.
- Require an elector to submit to a clerk a reliable information affidavit if the elector challenged the voter registration of another elector in the same municipality.

Additionally, the bill would repeal Section 729 and Section 732 of the Law. Section 729 requires a challenged elector to take an oath to answer questions confirming or denying the elector's qualifications and specify that an elector found to be lying will be deemed guilty of perjury upon conviction. Section 732 allows challengers who have signed authority to be present in a room containing a ballot box.

MCL 168.509r et al.

BRIEF RATIONALE

Challengers play an important role in Michigan elections, helping to identify any mistakes during the processing of election results. Some believe that the Michigan Election Law lacks clarity concerning the role of challengers, which can lead to disruption. For example, during the 2020 election, Detroit's TCF Center, now Huntington Place, was the center of a dispute between election challengers and poll workers. As poll workers processed an unprecedented number of absentee ballots, challengers concerned about voter fraud engaged in disruptive behavior, harassing and distracting poll workers.¹ Accordingly, it has been suggested that the Law more specifically prescribe the role and duties of election challengers.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill could create costs for the State's correctional system. The bill specifies that a person would be guilty of perjury for knowingly giving a false answer to questions regarding citizenship, age, or registered address information when a voter's right to vote was challenged. The bill is silent on the penalty for perjury; however, according to the Penal Code, the penalty for perjury can be a sentence of up to 15 years imprisonment.

New arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Based on 2023 data, the average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700.

Date Completed: 11-26-24

Fiscal Analyst: Joe Carrasco, Jr.

¹ Baldas, et al., "'Get to TCF': What really happened inside Detroit's ballot counting center", *Detroit Free Press*, November 6, 2020.

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