



HOUSE BILL No. 5385

February 16, 2000, Introduced by Rep. Brewer and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 673a, 674, 682, and 683 (MCL 168.673a,
168.674, 168.682, and 168.683), section 673a as amended by 1996
PA 583 and section 674 as amended by 1996 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 673a. Not later than May 15 of each year, the county
2 chair of a major political party OR AN AUTHORIZED REPRESENTATIVE
3 OF A SERVICE ORGANIZATION may submit to the city, township, or
4 village clerks in that county a list of individuals who are
5 interested in serving as an election inspector in that county.
6 The county chair OF A MAJOR POLITICAL PARTY OR THE AUTHORIZED
7 REPRESENTATIVE OF A SERVICE ORGANIZATION may designate in the
8 list ~~the~~ IN WHAT city, township, or village ~~in which~~ each

1 individual on the list wishes to serve. AS USED IN THIS ACT,
2 "SERVICE ORGANIZATION" MEANS EITHER OF THE FOLLOWING:

3 (A) A BRANCH, LODGE, OR CHAPTER OF A NATIONAL OR STATE NON-
4 PROFIT ORGANIZATION THAT IS AUTHORIZED BY ITS WRITTEN CONSTITU-
5 TION, CHARTER, ARTICLES OF INCORPORATION, OR BYLAWS TO ENGAGE IN
6 A FRATERNAL, CIVIC, OR SERVICE PURPOSE WITHIN THIS STATE.

7 (B) A LOCAL NONPROFIT ORGANIZATION THAT IS ORGANIZED FOR A
8 CHARITABLE, FRATERNAL, CIVIC, OR SERVICE PURPOSE, THAT IS NOT
9 AFFILIATED WITH A STATE OR NATIONAL ORGANIZATION, AND WHOSE CON-
10 STITUTION, CHARTER, ARTICLES OF INCORPORATION, OR BYLAWS CONTAIN
11 A PROVISION FOR THE PERPETUATION OF THE ORGANIZATION AS A NON-
12 PROFIT ORGANIZATION.

13 Sec. 674. (1) Notwithstanding any other provision of law to
14 the contrary and subject to this section, the city and township
15 board of election commissioners and the village board of election
16 commissioners for village elections only, at least 21 days but
17 not more than 40 days before each election, but ~~in no case~~ NOT
18 less than 5 days before the date set for holding TRAINING
19 schools, ~~of instruction,~~ shall appoint for each election pre-
20 cinct at least 3 election inspectors and as many more as in its
21 opinion is required for the efficient, speedy, and proper conduct
22 of the election. The board of election commissioners may appoint
23 as AN election inspector an individual on the list submitted by a
24 major political party OR A SERVICE ORGANIZATION under
25 section 673a who is qualified to serve under section 677. An
26 appointment of an election inspector under this section is void
27 if a properly completed application for that election inspector

1 is not on file in the clerk's office as prescribed in
2 section 677.

3 (2) The board of election commissioners shall designate 1
4 appointed election inspector as chairperson. The board of elec-
5 tion commissioners shall appoint at least 1 election inspector
6 from each major political party and shall appoint an equal
7 number, as nearly as possible, of election inspectors in each
8 election precinct from each major political party. The board of
9 election commissioners may appoint election inspectors in an
10 election precinct from minor political parties. Not later than 2
11 business days following the appointment of election inspectors
12 under subsection (1) for elections in which a federal or state
13 office appears, the board of election commissioners shall notify
14 by certified mail, personal service, or electronic transmission
15 capable of determining date of receipt the county chair of each
16 major political party of the names and political party affilia-
17 tions of appointed election inspectors and the precincts to which
18 those inspectors were appointed. A board of election commission-
19 ers shall not appoint a person as an election inspector if that
20 person declares a political party preference for 1 political
21 party but is a known active advocate of another political party.
22 As used in this section, "a known active advocate" means a person
23 who meets 1 or more of the following CONDITIONS:

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

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

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

8 (3) The county chair of a major political party, BUT NOT A
9 SERVICE ORGANIZATION, may challenge the appointment of an elec-
10 tion inspector based upon the qualifications of the election
11 inspector, the legitimacy of the election inspector's political
12 party affiliation, or whether there is a properly completed dec-
13 laration of political party affiliation in the application for
14 that election inspector on file in the clerk's office. The chal-
15 lenge shall be in writing, specifically identify the reason for
16 the challenge, and include any available documentation supporting
17 the challenge. The county chair of the political party shall
18 file a challenge under this subsection with the board of election
19 commissioners not later than 4 business days following receipt of
20 the board of election commissioners' notice of appointed election
21 inspectors under subsection (2).

22 (4) Upon receipt of a challenge under subsection (3), the
23 board of election commissioners shall determine whether the
24 appointee has the necessary qualifications by reviewing the
25 application or any other official records, such as voter regis-
26 tration records, or whether the applicant has a properly
27 completed certification of political party affiliation in the

1 application. If the challenge alleges that the appointee is a
2 known active advocate of a political party other than the one on
3 the appointee's application, the board of election commissioners
4 immediately shall provide the appointee with a copy of the chal-
5 lenge by certified mail, personal service, or electronic trans-
6 mission capable of determining date of receipt. The appointee
7 may respond to the challenge within 2 business days after receiv-
8 ing a copy of the challenge. A response shall be by affidavit
9 addressing the specific reasons for the challenge. Failure to
10 respond shall result in revocation of the appointment. Within 2
11 business days after receiving the challenge or a response from
12 the appointee, whichever is later, the board of election commis-
13 sioners shall make a final determination and notify the appointee
14 and the county chair of the political party of the
15 determination.

16 (5) If a vacancy occurs in the office of chairperson or in
17 the office of election inspector before election day, the chair-
18 person of the board of election commissioners shall designate
19 some other properly qualified applicant or election inspector as
20 chairperson or some other qualified applicant as election inspec-
21 tor, as applicable, subject to this section. If a vacancy occurs
22 in the office of chairperson on election day, the remaining elec-
23 tion inspectors shall designate 1 of the inspectors as
24 chairperson.

25 Sec. 682. (1) ~~Any~~ A person employed as an ~~inspector of~~
26 election INSPECTOR, or in any other official capacity at ~~any~~ AN
27 election, primary election, or on ~~any~~ A board of canvassers or

1 board of registration, shall, except as ~~herein~~ otherwise
2 specifically provided UNDER THIS ACT, receive ~~such~~ reasonable
3 compensation as ~~may be allowed~~ DETERMINED by the township board
4 of any township, board of supervisors of any county, or the leg-
5 islative body of any city or village. ~~, as the case may be.~~

6 (2) A PERSON WHOSE NAME IS SUBMITTED TO THE CITY, TOWNSHIP,
7 OR VILLAGE CLERK AS A POTENTIAL ELECTION INSPECTOR BY A SERVICE
8 ORGANIZATION UNDER SECTION 673A AND WHO IS ENTITLED TO COMPENSA-
9 TION UNDER SUBSECTION (1) OF THIS SECTION MAY DESIGNATE THAT THE
10 COMPENSATION THAT HE OR SHE IS ENTITLED TO RECEIVE BE PAID
11 DIRECTLY TO THE SERVICE ORGANIZATION THAT SUBMITTED HIS OR HER
12 NAME. A PERSON ENTITLED TO COMPENSATION UNDER SUBSECTION (1) WHO
13 DESIGNATES A SERVICE ORGANIZATION TO RECEIVE THE COMPENSATION
14 SHALL MAKE THE DESIGNATION IN WRITING AND EXPLICITLY WAIVE HIS OR
15 HER RIGHT TO RECEIVE COMPENSATION FOR HIS OR HER SERVICES UNDER
16 THIS ACT.

17 Sec. 683. Each county clerk prior to each primary, ~~and~~
18 GENERAL, AND SPECIAL election shall, by some reliable means,
19 notify the clerk of each township and city in the county of a
20 training school for election inspectors to be held at a place
21 designated by the county clerk within 20 days prior to ~~each~~ A
22 primary, general, and special election. The township and city
23 clerks shall notify each election inspector appointed to serve at
24 that election of the time and place of ~~such~~ THE training
25 school. At ~~such meeting~~ THE TRAINING SCHOOL, the county clerk
26 shall instruct and demonstrate ~~the manner in which~~ HOW the
27 duties of election inspectors are required by law to be

1 performed. It shall be the duty of the inspectors, ~~so~~ notified
2 UNDER THIS SECTION, to attend ~~such meeting~~ THE TRAINING SCHOOL
3 unless excused by the county clerk for good cause. Compensation
4 FOR ATTENDING THE TRAINING SCHOOL may be paid ~~them therefor by~~
5 ~~their respective municipalities at such rate as may be determined~~
6 ~~by the governing bodies~~ TO THE ELECTION INSPECTORS UNDER SECTION
7 682. No ~~inspector of~~ election INSPECTOR shall serve in ~~any~~
8 AN election unless he ~~shall have~~ OR SHE HAS within the last
9 preceding 2 years either attended an election TRAINING school or
10 ~~shall have~~ passed ~~satisfactorily~~ an examination given by the
11 election commission of the city, township, or village in which HE
12 OR SHE WAS appointed. The examination shall be subject to the
13 approval of the secretary of state. This section shall not pre-
14 vent the appointment of an ~~inspector of~~ election INSPECTOR to
15 fill a vacancy. This section shall not prohibit ~~any~~ A city or
16 ~~any~~ township having a population of 10,000 or more from con-
17 ducting its own training school for election inspectors of that
18 city or township. ~~in which case election~~ ELECTION inspectors
19 who have attended ~~such~~ A CITY OR TOWNSHIP TRAINING school
20 ~~shall~~ ARE not ~~be~~ required to attend the county training
21 school.