

# SENATE BILL No. 508

May 29, 2001, Introduced by Senators STEIL, MC MANUS and GOSCHKA and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 662, 672, 674, and 720 (MCL 168.662,  
168.672, 168.674, and 168.720), section 662 as amended by 1999 PA  
216 and section 674 as amended by 1996 PA 207, and by adding sec-  
tion 720a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 662. (1) The legislative body in each city, village,  
2 and township shall designate ~~and prescribe~~ the place or places  
3 of holding an election, INCLUDING EARLY VOTING, IF APPLICABLE, in  
4 the city, village, or township, and shall provide a suitable  
5 polling place in or for each precinct located in the city, vil-  
6 lage, or township for use at each election. Except as otherwise  
7 provided in this section, school buildings, fire stations, police  
8 stations, and other publicly owned or controlled buildings shall

1 be used as polling places. If it is not possible or convenient  
2 to use a publicly owned or controlled building as a polling  
3 place, the legislative body of the city, township, or village may  
4 use as a polling place a building owned or controlled by an  
5 organization that is exempt from federal income tax ~~pursuant to~~  
6 UNDER section 501(c), other than 501(c)(4), (5), or (6), of the  
7 internal revenue code of 1986, or ~~any~~ A successor statute. The  
8 legislative body of a city, township, or village shall not desig-  
9 nate as a polling place a building that is owned by a person who  
10 is a sponsor of a political committee or independent committee.  
11 A city, township, or village shall not use as a polling place a  
12 building that does not meet the requirements of this section. As  
13 used in this subsection, "sponsor of a political committee or  
14 independent committee" means a person who is described as being a  
15 sponsor under section 24(3) of the Michigan campaign finance act,  
16 1976 PA 388, MCL 169.224, and includes a subsidiary of a corpora-  
17 tion or a local of a labor organization, ~~which~~ IF THE corpora-  
18 tion or labor organization is considered a sponsor under section  
19 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL  
20 169.224.

21 (2) The legislative body in each city, village, and township  
22 shall make arrangements for the rental or erection of suitable  
23 buildings for use as polling places if publicly owned or con-  
24 trolled buildings are not available, and shall ~~cause~~ HAVE the  
25 polling places ~~to be~~ equipped with the necessary facilities for  
26 lighting and with adequate facilities for heat and ventilation.  
27 The legislative body may establish a central polling place or

1 places ~~for 6 precincts or less~~ if it is possible and convenient  
2 for the electors to vote at the central polling place. The leg-  
3 islative body may abolish other polling places not required as a  
4 result of the establishment of a central polling place.

5       (3) The legislative body of a city, village, or township may  
6 establish a polling place at a for profit or nonprofit residence  
7 or facility in which 150 persons or more aged 62 or older reside  
8 or at an apartment building or complex in which 150 persons or  
9 more reside. A township board may provide polling places located  
10 within the limits of a city that has been incorporated from ter-  
11 ritory formerly a part of the township, and the electors of the  
12 township may cast their ballots at those polling places.

13       (4) The legislative body of a city, village, or township  
14 shall not establish, move, or abolish a polling place less than  
15 60 days before an election unless necessary because a polling  
16 place has been damaged, destroyed, or rendered inaccessible or  
17 unusable as a polling place.

18       (5) The legislative body of a city, village, or township  
19 shall ensure that a polling place established under this section  
20 complies with the voting accessibility for the elderly and handi-  
21 capped act, Public Law 98-435, 42 U.S.C. 1973ee to 1973ee-6.

22       Sec. 672. ~~At every~~ EXCEPT AS PROVIDED IN THIS SECTION FOR  
23 EARLY VOTING, AT EACH election, there shall be a board of ~~at~~  
24 ~~least 3~~ NOT LESS THAN 3 ELECTION inspectors ~~of election, con-~~  
25 ~~stituted as in this chapter provided, in and~~ APPOINTED for each  
26 election precinct. Not less than a majority of the ELECTION  
27 inspectors shall be present in the precinct polling place during

1 the time the polls are open. IF A CITY, VILLAGE, OR TOWNSHIP  
2 PROVIDES EARLY VOTING, NOT LESS THAN 1 ELECTION INSPECTOR SHALL  
3 BE APPOINTED AND PRESENT IN EACH POLLING PLACE DURING THE TIME  
4 THE POLLS ARE OPEN.

5       Sec. 674. (1) ~~Notwithstanding any other provision of law~~  
6 ~~to the contrary and subject to this section~~ EXCEPT AS PROVIDED  
7 IN SECTION 672, the city and township board of election commis-  
8 sioners and the village board of election commissioners for vil-  
9 lage elections only, ~~at least~~ NOT LESS THAN 21 days but not  
10 more than 40 days before each election, ~~but in no case~~ AND NOT  
11 less than 5 days before the date set for holding ELECTION INSPEC-  
12 TOR TRAINING schools, ~~of instruction,~~ shall appoint for each  
13 election precinct at least 3 election inspectors and as many more  
14 as in its opinion is required for the efficient, speedy, and  
15 proper conduct of the election. The board of election commis-  
16 sioners may appoint as election inspector an individual on the  
17 list submitted by a major political party under section 673a who  
18 is qualified to serve under section 677. An appointment of an  
19 election inspector under this section is void if a properly com-  
20 pleted application for that election inspector is not on file in  
21 the clerk's office as prescribed in section 677.

22       (2) The board of election commissioners shall designate 1  
23 appointed election inspector as chairperson. The board of elec-  
24 tion commissioners shall appoint at least 1 election inspector  
25 from each major political party and shall appoint an equal  
26 number, as nearly as possible, of election inspectors in each  
27 election precinct from each major political party. The board of

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

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

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

20 (c) Has made documented public statements specifically sup-  
21 porting by name the other political party or its candidates in  
22 the same calendar year as the election for which the appointment  
23 is being made. As used in this subdivision, "documented public  
24 statements" means statements reported by the news media or writ-  
25 ten statements with a clear and unambiguous attribution to the  
26 applicant.

1       (3) The county chair of a major political party may  
2 challenge the appointment of an election inspector based upon the  
3 qualifications of the election inspector, the legitimacy of the  
4 election inspector's political party affiliation, or whether  
5 there is a properly completed declaration of political party  
6 affiliation in the application for that election inspector on  
7 file in the clerk's office. The challenge shall be in writing,  
8 specifically identify the reason for the challenge, and include  
9 ~~any~~ available documentation supporting the challenge. The  
10 county chair of the political party shall file a challenge under  
11 this subsection with the board of election commissioners not  
12 later than 4 business days following receipt of the board of  
13 election commissioners' notice of appointed election inspectors  
14 under subsection (2).

15       (4) Upon receipt of a challenge under subsection (3), the  
16 board of election commissioners shall determine whether the  
17 appointee has the necessary qualifications by reviewing the  
18 application or ~~any~~ other official records, such as voter regis-  
19 tration records, or whether the applicant has a properly com-  
20 pleted certification of political party affiliation in the  
21 application. If the challenge alleges that the appointee is a  
22 known active advocate of a political party other than the one on  
23 the appointee's application, the board of election commissioners  
24 immediately shall provide the appointee with a copy of the chal-  
25 lenge by certified mail, personal service, or electronic trans-  
26 mission capable of determining date of receipt. The appointee  
27 may respond to the challenge within 2 business days after

1 receiving a copy of the challenge. A response shall be by  
 2 ~~affidavit~~ SWORN STATEMENT addressing the specific reasons for  
 3 the challenge. Failure to respond shall result in revocation of  
 4 the appointment. Within 2 business days after receiving the  
 5 challenge or a response from the appointee, whichever is later,  
 6 the board of election commissioners shall make a final determina-  
 7 tion and notify the appointee and the county chair of the politi-  
 8 cal party of the determination.

9 (5) If a vacancy occurs in the office of chairperson or in  
 10 the office of election inspector before election day, the chair-  
 11 person of the board of election commissioners shall designate  
 12 ~~some other~~ ANOTHER properly qualified applicant or election  
 13 inspector as chairperson or ~~some other~~ ANOTHER qualified appli-  
 14 cant as election inspector, as applicable, subject to this  
 15 section. If a vacancy occurs in the office of chairperson on  
 16 election day, the remaining election inspectors shall designate 1  
 17 of the ELECTION inspectors as chairperson.

18 Sec. 720. (1) On the day of ~~any~~ AN election, the polls  
 19 shall ~~be opened~~ OPEN at 7 ~~o'clock in the forenoon,~~ A.M. and  
 20 shall be continuously open until 8 ~~o'clock in the afternoon and~~  
 21 ~~no longer~~ P.M. ~~Every~~ EACH qualified elector present and in  
 22 line at the polls at ~~the hour prescribed for the~~ closing  
 23 ~~thereof~~ TIME shall be allowed to vote.

24 (2) IN A JURISDICTION CONDUCTING EARLY VOTING UNDER SECTION  
 25 720A, THE CLERK CONDUCTING THE ELECTION SHALL DESIGNATE THE HOURS  
 26 THE POLLS WILL OPEN AND CLOSE. THE POLLS SHALL BE OPEN NOT LESS  
 27 THAN 4 HOURS ON EACH EARLY VOTING DAY. NOT LESS THAN 72 HOURS

1 BEFORE EARLY VOTING BEGINS, THE CLERK SHALL POST THE HOURS THAT  
2 THE POLLS WILL BE OPEN AT THE CLERK'S OFFICE AND AT EACH EARLY  
3 VOTING POLLING PLACE. THE CLERK SHALL PROVIDE NOTICE TO ELECTORS  
4 OF THE LOCATION OF EACH EARLY VOTING POLLING PLACE AND THE DATES  
5 AND HOURS THE EARLY VOTING POLLING PLACE WILL BE OPEN. THE  
6 NOTICE TO ELECTORS SHALL SUBSTANTIALLY COMPLY WITH THE FORM IN  
7 SECTION 653A.

8 SEC. 720A. (1) IF THE LEGISLATIVE BODY OF A CITY, TOWNSHIP,  
9 OR VILLAGE APPROVES EARLY VOTING, A CITY, TOWNSHIP, OR VILLAGE  
10 MAY PROVIDE EARLY VOTING FOR AN ELECTION.

11 (2) IN A CITY, TOWNSHIP, OR VILLAGE PROVIDING EARLY VOTING,  
12 THE CLERK SHALL DESIGNATE THE DATE ON WHICH EARLY VOTING SHALL  
13 BEGIN. EARLY VOTING SHALL BEGIN NOT MORE THAN 17 DAYS BEFORE A  
14 PRIMARY, GENERAL, OR SPECIAL ELECTION AND END AT 2 P.M. ON THE  
15 SATURDAY BEFORE THE ELECTION. IF THE SEVENTEENTH DAY BEFORE AN  
16 ELECTION FALLS ON A LEGAL HOLIDAY, EARLY VOTING SHALL BEGIN ON  
17 THE NEXT DAY THAT IS NOT A LEGAL HOLIDAY. IF DESIGNATED BY THE  
18 CLERK, EARLY VOTING DAYS SHALL INCLUDE SATURDAY AND SUNDAY.

19 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH A JURISDIC-  
20 TION CONDUCTING EARLY VOTING AND PROVIDE TECHNICAL ASSISTANCE TO  
21 A JURISDICTION REQUESTING TECHNICAL ASSISTANCE.

22 (4) SUBJECT TO THIS SECTION, A JURISDICTION CONDUCTING EARLY  
23 VOTING SHALL FOLLOW THE PROVISIONS OF THIS ACT REGARDING ALL OF  
24 THE FOLLOWING:

25 (A) SELECTION OF A POLLING PLACE.

26 (B) ELECTION INSPECTORS.



1 (C) CHALLENGES TO VOTERS.

2 (D) POLL BOOK AND POLL LIST.

3 (E) NOTICES, INSTRUCTIONS, AND PLACARDS.

4 (F) SECURITY OF A VOTING MACHINE OR OTHER VOTING SYSTEM.

5 (G) BALLOT SECURITY, BALLOT CONTAINERS, BALLOT COUNTING, AND  
6 BALLOT PRESERVATION.

7 (5) A POLL BOOK AND POLL LIST FOR EACH PRECINCT SHALL BE  
8 MAINTAINED FOR EARLY VOTING IN ACCORDANCE WITH SECTION 735. THE  
9 POLL BOOK SHALL BE DIVIDED BY DATE AND SEPARATE RECORDS MAIN-  
10 TAINED FOR EACH DAY OF EARLY VOTING. THE POLL BOOK AND POLL LIST  
11 MAY BE MAINTAINED ELECTRONICALLY.

12 (6) EARLY VOTING BALLOTS SHALL BE PROCESSED IN THE SAME  
13 MANNER AS BALLOTS CAST ON ELECTION DAY AND SHALL NOT BE COUNTED  
14 UNTIL THE POLLS CLOSE ON ELECTION DAY.

15 (7) EACH DAY OF EARLY VOTING, THE CHAIR OF THE BOARD OF  
16 ELECTION INSPECTORS FOR EACH PRECINCT SHALL SIGN AND INCLUDE IN  
17 THE POLL BOOK A CERTIFICATION STATEMENT VERIFYING THAT THE NUMBER  
18 OF ELECTORS REQUESTING A BALLOT AS DETERMINED BY THE POLL BOOK  
19 AND POLL LIST IS THE SAME AS THE NUMBER OF BALLOTS CAST.

20 (8) "EARLY VOTING", AS USED IN THIS ACT, MEANS THE PERIOD OF  
21 TIME BEFORE A PRIMARY, GENERAL, OR SPECIAL ELECTION WHEN A QUALI-  
22 FIED AND REGISTERED ELECTOR MAY VOTE IN PERSON AT A POLLING PLACE  
23 DESIGNATED BY THE CLERK CONDUCTING THE ELECTION.