

# HOUSE BILL No. 4158

February 2, 2005, Introduced by Reps. Vagnozzi, Kehrl, Sheltroun, Wojno, Gonzales, Zelenko, Gillard, Alma Smith, Murphy, Anderson, Bieda, Donigan, Kolb, Espinoza, Tobocman, Byrnes, Virgil Smith and McConico and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 672, 674, 720, and 735 (MCL 168.672, 168.674, 168.720, and 168.735), section 674 as amended by 1996 PA 207 and section 735 as amended by 2004 PA 92, and by adding section 720a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 672. ~~At every~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**  
2       **SECTION FOR EARLY VOTING, AT EACH** election ~~—~~ there shall be a board  
3       of ~~at least 3~~ **NOT FEWER THAN 3 ELECTION** inspectors ~~of election,~~  
4       ~~constituted as in this chapter provided, in and~~ **APPOINTED** for each  
5       election precinct. Not less than a majority of the **ELECTION**  
6       inspectors shall be present in the precinct polling place during  
7       the time the polls are open. **FOR EARLY VOTING UNDER SECTION 720A,**  
8       **AT LEAST 1 ELECTION INSPECTOR SHALL BE APPOINTED AND PRESENT IN**

1 **EACH POLLING PLACE DURING THE TIME THE POLLS ARE OPEN.**

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

19       (2) The board of election commissioners shall designate 1  
20 appointed election inspector as chairperson. The board of election  
21 commissioners shall appoint at least 1 election inspector from each  
22 major political party and shall appoint an equal number, as nearly  
23 as possible, of election inspectors in each election precinct from  
24 each major political party. The board of election commissioners may  
25 appoint election inspectors in an election precinct from minor  
26 political parties. Not later than 2 business days following the  
27 appointment of election inspectors under subsection (1) for

elections in which a federal or state office appears, the board of election commissioners shall notify by certified mail, personal service, or electronic transmission capable of determining date of receipt the county chair of each major political party of the names and political party affiliations of appointed election inspectors and the precincts to which those inspectors were appointed. A board of election commissioners shall not appoint a person as an election inspector if that person declares a political party preference for 1 political party but is a known active advocate of another political party. As used in this section, "a known active advocate" means a person who meets 1 or more of the following:

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

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

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

(3) The county chair of a major political party may challenge the appointment of an election inspector based upon the qualifications of the election inspector, the legitimacy of the election inspector's political party affiliation, or whether there is a properly completed declaration of political party affiliation

1 in the application for that election inspector on file in the  
2 clerk's office. The challenge shall be in writing, specifically  
3 identify the reason for the challenge, and include any available  
4 documentation supporting the challenge. The county chair of the  
5 political party shall file a challenge under this subsection with  
6 the board of election commissioners not later than 4 business days  
7 following receipt of the board of election commissioners' notice of  
8 appointed election inspectors under subsection (2).

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

1 county chair of the political party of the determination.

2 (5) If a vacancy occurs in the office of chairperson or in the  
3 office of election inspector before election day, the chairperson  
4 of the board of election commissioners shall designate ~~some other~~  
5 **ANOTHER** properly qualified applicant or election inspector as  
6 chairperson or ~~some other~~ **ANOTHER** qualified applicant as election  
7 inspector, as applicable, subject to this section. If a vacancy  
8 occurs in the office of chairperson on election day, the remaining  
9 election inspectors shall designate 1 of the inspectors as  
10 chairperson.

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

17 (2) **FOR EARLY VOTING UNDER SECTION 720A, THE CLERK CONDUCTING**  
18 **THE ELECTION SHALL DESIGNATE THE HOURS AT WHICH THE POLLS WILL OPEN**  
19 **AND CLOSE. THE POLLS SHALL BE OPEN NOT LESS THAN 8 HOURS EACH**  
20 **WEEKDAY DURING THE EARLY VOTING PERIOD IN SECTION 720A. BEFORE**  
21 **EARLY VOTING BEGINS, THE CLERK SHALL POST THE HOURS THAT THE POLLS**  
22 **WILL BE OPEN AT THE CLERK'S OFFICE. THE CLERK SHALL PROVIDE NOTICE**  
23 **TO THE ELECTORS THAT SUBSTANTIALLY COMPLIES WITH THE FORM IN**  
24 **SECTION 653A OF THE DATES AND HOURS THE EARLY VOTING POLLING PLACES**  
25 **WILL BE OPEN.**

26 **SEC. 720A. (1) EVERY CITY, TOWNSHIP, AND VILLAGE SHALL PROVIDE**  
27 **EARLY VOTING AT POLLING PLACES DESIGNATED BY THE CITY, TOWNSHIP, OR**

1 VILLAGE CLERK DURING THE PERIOD OF TIME SET FORTH IN THIS SECTION  
2 BEFORE AN ELECTION.

3 (2) EARLY VOTING SHALL BEGIN 14 DAYS BEFORE EACH ELECTION AND  
4 END ON THE DAY BEFORE THE ELECTION.

5 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH EACH  
6 MUNICIPALITY CONDUCTING EARLY VOTING AND PROVIDE TECHNICAL  
7 ASSISTANCE TO EACH MUNICIPALITY THAT REQUESTS TECHNICAL ASSISTANCE.

8 (4) EXCEPT AS OTHERWISE PROVIDED, ALL OF THE FOLLOWING  
9 PROVISIONS OF THIS ACT APPLY TO EARLY VOTING:

10 (A) ELECTION INSPECTORS.

11 (B) CHALLENGES TO VOTERS.

12 (C) POLL BOOK AND POLL LIST.

13 (D) NOTICES, INSTRUCTIONS, AND PLACARDS.

14 (E) SECURITY OF A VOTING MACHINE OR OTHER VOTING SYSTEM.

15 (F) BALLOT SECURITY, BALLOT CONTAINERS, BALLOT COUNTING, AND  
16 BALLOT PRESERVATION.

17 (G) SPOILED BALLOTS.

18 (5) THE POLL BOOK AND POLL LIST FOR EACH PRECINCT SHALL BE  
19 MAINTAINED IN ACCORDANCE WITH SECTION 735.

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

23 (7) AS USED IN THIS ACT, "MUNICIPALITY" MEANS A CITY,  
24 TOWNSHIP, OR VILLAGE.

25 Sec. 735. (1) At each primary and election, election  
26 inspectors shall keep 1 poll book and 1 poll list. An election  
27 inspector shall enter in the poll book, in the order in which

1 electors are given ballots, the name of each elector who is given a  
2 ballot and immediately after the name, on the same line, shall  
3 enter the number of the ballot given to the elector. For an absent  
4 voter ballot, when an election inspector removes the ballot from  
5 the sealed absent voter envelope, the election inspector shall  
6 enter in the poll book the name of the absent voter and the number  
7 of the ballot.

8       **(2) FOR EARLY VOTING UNDER SECTION 720A, THE POLL BOOK SHALL**  
9 **BE DIVIDED BY DATE AND SEPARATE RECORDS SHALL BE MAINTAINED FOR**  
10 **EACH DAY OF EARLY VOTING.**

11       **(3) —(2)—** If an elector is issued a provisional ballot, an  
12 election inspector shall enter a proper designation in the poll  
13 book, including whether the provisional ballot was tabulated in the  
14 precinct or was secured for verification after the election.

15       **(4) —(3)—** At the completion of the precinct canvass, an  
16 election inspector shall record on the certificate provided in the  
17 poll book the number of each metal seal used to seal voting  
18 equipment and ballot containers. Each member of the board of  
19 election inspectors shall sign the certificate.