

SUBSTITUTE FOR
HOUSE BILL NO. 4090

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

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

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

1 election commissioners shall notify by certified mail, personal
2 service, or electronic transmission capable of determining date of
3 receipt the county chair of each major political party of the names
4 and political party affiliations of appointed election inspectors
5 and the precincts to which those inspectors were appointed. A board
6 of election commissioners shall not appoint a person as an election
7 inspector if that person declares a political party preference for
8 1 political party but is a known active advocate of another
9 political party. As used in this section, "a known active advocate"
10 means a person who meets 1 or more of the following:

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

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

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

22 (3) The county chair of a major political party may challenge
23 the appointment of an election inspector based upon the
24 qualifications of the election inspector, the legitimacy of the
25 election inspector's political party affiliation, or whether there
26 is a properly completed declaration of political party affiliation
27 in the application for that election inspector on file in the

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

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

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

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

(2) **FOR EARLY VOTING UNDER SECTION 720A, THE CLERK CONDUCTING THE ELECTION SHALL DESIGNATE THE HOURS AT WHICH THE POLLS WILL OPEN AND CLOSE. THE POLLS SHALL BE OPEN NOT LESS THAN 8 HOURS EACH DAY THAT EARLY VOTING IS AVAILABLE AS PROVIDED IN SECTION 720A. BEFORE EARLY VOTING BEGINS, THE CLERK SHALL POST THE HOURS THAT THE POLLS WILL BE OPEN AT THE CLERK'S OFFICE. THE CLERK SHALL PROVIDE NOTICE TO THE ELECTORS THAT SUBSTANTIALLY COMPLIES WITH THE FORM IN SECTION 653A OF THE DATES AND HOURS THE EARLY VOTING POLLING PLACES WILL BE OPEN.**

SEC. 720A. (1) EVERY CITY, TOWNSHIP, AND VILLAGE SHALL PROVIDE EARLY VOTING AT 1 OR MORE POLLING PLACES DESIGNATED BY THE CITY, TOWNSHIP, OR VILLAGE CLERK DURING THE PERIOD OF TIME SET FORTH IN

1 THIS SECTION BEFORE AN ELECTION.

2 (2) EARLY VOTING SHALL OCCUR ON THE FRIDAY, SATURDAY, AND
3 MONDAY IMMEDIATELY BEFORE EACH ELECTION.

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

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

9 (A) ELECTION INSPECTORS.

10 (B) CHALLENGES TO VOTERS.

11 (C) POLL BOOK AND POLL LIST.

12 (D) NOTICES, INSTRUCTIONS, AND PLACARDS.

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

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

16 (G) SPOILED BALLOTS.

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

19 (6) EARLY VOTING BALLOTS SHALL BE PROCESSED IN THE SAME MANNER
20 AS BALLOTS CAST ON ELECTION DAY.

21 (7) AS USED IN THIS SECTION, "MUNICIPALITY" MEANS A CITY,
22 TOWNSHIP, OR VILLAGE.

23 Sec. 735. (1) At each primary and election, election
24 inspectors shall keep 1 poll book and 1 poll list. An election
25 inspector shall enter in the poll book, in the order in which
26 electors are given ballots, the name of each elector who is given a
27 ballot and immediately after the name, on the same line, shall

1 enter the number of the ballot given to the elector. For an absent
2 voter ballot, when an election inspector removes the ballot from
3 the sealed absent voter envelope, the election inspector shall
4 enter in the poll book the name of the absent voter and the number
5 of the ballot.

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

9 (3) ~~(2)~~—If an elector is issued a provisional ballot, an
10 election inspector shall enter a proper designation in the poll
11 book, including whether the provisional ballot was tabulated in the
12 precinct or was secured for verification after the election.

13 (4) ~~(3)~~—At the completion of the precinct canvass, an election
14 inspector shall record on the certificate provided in the poll book
15 the number of each metal seal used to seal voting equipment and
16 ballot containers. Each member of the board of election inspectors
17 shall sign the certificate.

18 Enacting section 1. This amendatory act does not take effect
19 unless House Bill No. 4048 of the 94th Legislature is enacted into
20 law.