

**SUBSTITUTE FOR
HOUSE BILL NO. 6124**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 31, 683, and 730 (MCL 168.31, 168.683, and
168.730), section 31 as amended by 2012 PA 271, section 683 as
amended by 2018 PA 120, and section 730 as amended by 1995 PA 261,
and by adding section 730a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31. (1) The secretary of state shall do all of the
2 following:
3 (a) Subject to subsection (2), issue instructions and
4 promulgate rules pursuant to the administrative procedures act of
5 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of
6 elections and registrations in accordance with the laws of this

1 state.

2 (b) Advise and direct local election officials as to the
3 proper methods of conducting elections.

4 (c) Publish and furnish for the use in each election precinct
5 before each state primary and election a manual of instructions
6 that includes specific instructions on assisting voters in casting
7 their ballots, directions on the location of voting stations in
8 polling places, procedures and forms for processing challenges, and
9 procedures on prohibiting campaigning in the polling places as
10 prescribed in this act.

11 (d) Publish indexed pamphlet copies of the registration,
12 primary, and election laws and furnish to the various county, city,
13 **and** township ~~, and village~~ clerks a sufficient number of copies for
14 their own use and to enable them to include 1 copy with the
15 election supplies furnished each precinct board of election
16 inspectors under their respective jurisdictions. The secretary of
17 state may furnish single copies of the publications to
18 organizations or individuals who request the same for purposes of
19 instruction or public reference.

20 (e) Prescribe and require uniform forms, notices, and supplies
21 the secretary of state considers advisable for use in the conduct
22 of elections and registrations.

23 (f) Prepare the form of ballot for any proposed amendment to
24 the constitution or proposal under the initiative or referendum
25 provision of the constitution to be submitted to the voters of this
26 state.

27 (g) Require reports from the local election officials the
28 secretary of state considers necessary.

29 (h) Investigate, or cause to be investigated by local

1 authorities, the administration of election laws, and report
2 violations of the election laws and regulations to the attorney
3 general or prosecuting attorney, or both, for prosecution.

4 (i) Publish in the legislative manual the vote for governor
5 and secretary of state by townships and wards and the vote for
6 members of the state legislature cast at the preceding November
7 election, which ~~shall~~**must** be returned to the secretary of state by
8 the county clerks on or before the first day of December following
9 the election. All clerks shall furnish to the secretary of state,
10 promptly and without compensation, any further information
11 requested of ~~them~~**the clerks** to be used in the compilation of the
12 legislative manual.

13 (j) Establish a curriculum for comprehensive training and
14 accreditation of all county, city, **and** township ~~, and village~~
15 officials who are responsible for conducting elections.

16 (k) Establish a continuing election education program for all
17 county, city, **and** township ~~, and village~~ clerks.

18 (l) Establish and require attendance by all new appointed or
19 elected election officials at an initial course of instruction
20 within 6 months before the date of the election.

21 (m) Establish a comprehensive training curriculum for all
22 precinct inspectors.

23 (n) Create an election day dispute resolution team that has
24 regional representatives of the department of state, which team
25 ~~shall~~**must** appear on site, if necessary.

26 (o) **Establish and require a comprehensive training for each**
27 **county clerk, and for each political party, incorporated**
28 **organization, and organized committee of interested citizens that**
29 **seeks to designate election challengers at an election, regarding**

1 **the processes and procedures on election day and the powers,**
 2 **rights, and duties of election challengers.**

3 (2) Pursuant to the administrative procedures act of 1969,
 4 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
 5 promulgate rules establishing uniform standards for state and local
 6 nominating, recall, and ballot question petition signatures. The
 7 standards for petition signatures may include, but need not be
 8 limited to, standards for all of the following:

9 (a) Determining the validity of registration of a circulator
 10 or individual signing a petition.

11 (b) Determining the genuineness of the signature of a
 12 circulator or individual signing a petition, including digitized
 13 signatures.

14 (c) Proper designation of the place of registration of a
 15 circulator or individual signing a petition.

16 Sec. 683. Each county clerk before each primary and election
 17 shall, by some reliable means, notify the clerk of each township
 18 and city in the county of a training school for election inspectors
 19 to be held at a place designated by the county clerk within 20 days
 20 before each primary, general, and special election. The township
 21 and city clerks shall notify each election inspector appointed to
 22 serve at that election of the time and place of the training
 23 school. At the meeting, the county clerk shall instruct and
 24 demonstrate the manner in which the duties of election inspectors
 25 are required by law to be performed, **and must include, but not be**
 26 **limited to, the comprehensive training described under section**
 27 **31(1)(o) regarding the processes and procedures on election day and**
 28 **the powers, rights, and duties of election challengers.** ~~It is the~~
 29 ~~duty of the~~ **The election** inspectors, ~~so once~~ notified of the time

1 **and place of the meeting, ~~to~~ shall** attend the meeting unless
2 excused by the county clerk for good cause. Compensation may be
3 paid to them by their respective municipalities at a rate as
4 determined by the governing bodies. An election inspector shall not
5 serve in any election unless he or she has within the last
6 preceding 2 years either attended an election school or has passed
7 satisfactorily an examination given by the election commission of
8 the city or township in which appointed. The examination is subject
9 to the approval of the secretary of state. This section does not
10 prevent the appointment of an election inspector to fill a vacancy.
11 This section does not prohibit any city or any township having a
12 population of 10,000 or more from conducting its own training
13 school for election inspectors of that city or township. If a city
14 or township conducts its own training school, election inspectors
15 who attend a city or township training school are not required to
16 attend the county training school.

17 Sec. 730. (1) At an election, a political party or an
18 incorporated organization or organized committee of citizens
19 interested in the adoption or defeat of a ballot question being
20 voted for or upon at the election, or interested in preserving the
21 purity of elections and in guarding against the abuse of the
22 elective franchise, may designate challengers as provided in this
23 act. Except as otherwise provided in this act, a political party,
24 incorporated organization, or organized committee of interested
25 citizens may designate not more than 2 challengers to serve in a
26 precinct at any 1 time. A political party, incorporated
27 organization, or organized committee of interested citizens may
28 designate not more than 1 challenger to serve at each counting
29 board.

1 (2) A challenger ~~shall~~**must** be a registered elector of this
2 state. **Except as otherwise provided in this subsection, a**
3 **challenger must not serve as a challenger at any election unless he**
4 **or she has within the last 90 days before the election attended**
5 **election challenger training as described in section 730a and**
6 **received a signed certificate of completion for that election**
7 **challenger training. If a challenger attended election challenger**
8 **training as described in section 730a within 90 days before an**
9 **August primary election and that challenger received a signed**
10 **certificate of completion for that election challenger training,**
11 **that challenger may serve as a challenger at the subsequent general**
12 **November election without having to attend election challenger**
13 **training as described in section 730a unless there has been a**
14 **statutory change that requires election challenger training to be**
15 **updated for the subsequent general November election. Except as**
16 otherwise provided in this section, a candidate for nomination or
17 election to an office shall not serve as a challenger **in any**
18 **precinct in the jurisdiction in which he or she is a candidate** at
19 the election in which he or she is a candidate. A candidate for the
20 office of delegate to a county convention may serve as a challenger
21 in a precinct other than the 1 in which he or she is a candidate. ~~A~~
22 ~~person~~**An individual** who is appointed as an election inspector at
23 an election shall not act as a challenger at any time during the
24 election day.

25 (3) A challenger may be designated to serve in more than 1
26 precinct. The political party, incorporated organization, or
27 organized committee of interested citizens shall indicate which
28 precincts the challenger will serve when designating challengers
29 under subsection (1). If more than 1 challenger of a political

1 party, incorporated organization, or organized committee of
2 interested citizens is serving in a precinct at any 1 time, only 1
3 of the challengers has the authority to initiate a challenge at any
4 given time. The challengers shall indicate to the board of election
5 inspectors which of the 2 ~~will have~~ **challengers has** this authority.
6 The challengers may change this authority and ~~shall~~ **must** indicate
7 the change to the board of election inspectors.

8 **Sec. 730a. (1) Not less than 45 days and not more than 100**
9 **days before each primary, general, and special election, each**
10 **county clerk and the secretary of state must offer election**
11 **challenger training for each political party, incorporated**
12 **organization, or organized committee of interested citizens, as**
13 **described in section 730, that seeks to designate challengers at**
14 **the election. The election challenger training under this**
15 **subsection must include, but not be limited to, the comprehensive**
16 **training described under section 31(1)(o) regarding the processes**
17 **and procedures on election day, the powers, rights, and duties of**
18 **election challengers, and training for both precinct polling places**
19 **and absent voter counting boards.**

20 **(2) If a political party, incorporated organization, or**
21 **organized committee of interested citizens seeks to designate**
22 **challengers at an election, that political party, incorporated**
23 **organization, or organized committee of interested citizens must**
24 **attend and complete the election challenger training as provided in**
25 **subsection (1). A political party, incorporated organization, or**
26 **organized committee of interested citizens is only required to**
27 **attend and complete the election challenger training once as**
28 **offered by the secretary of state or any county clerk.**

29 **(3) The secretary of state shall create and maintain a**

1 registry that includes each political party, incorporated
2 organization, and organized committee of interested citizens that
3 completes the election challenger training under this section. For
4 each political party, incorporated organization, and organized
5 committee of interested citizens in the registry, the name of each
6 individual who attended the training and the name of a contact
7 person for that political party, incorporated organization, or
8 organized committee of interested citizens must be included in the
9 registry. If a political party, incorporated organization, or
10 organized committee of interested citizens attends and completes
11 the election challenger training from a county clerk, that county
12 clerk must immediately notify the secretary of state and the
13 secretary of state must add the name of that political party,
14 incorporated organization, or organized committee of interested
15 citizens, the name of each individual who attended the training,
16 and the contact information for that political party, incorporated
17 organization, or organized committee of interested citizens to the
18 registry. The secretary of state must post and maintain the
19 registry on the department of state's website and make the
20 information in the registry available to each county clerk.

21 (4) Upon completion of the election challenger training as
22 provided in subsection (1), and before the primary, general, or
23 special election, the political party, incorporated organization,
24 or organized committee of interested citizens must provide election
25 challenger training for those individuals seeking to be election
26 challengers for that political party, incorporated organization, or
27 organized committee of interested citizens. The election challenger
28 training for the individuals seeking to be election challengers
29 must include, but not be limited to, the comprehensive training

1 described under section 31(1)(o) regarding the processes and
2 procedures on election day and the powers, rights, and duties of
3 election challengers. The political party, incorporated
4 organization, or organized committee of interested citizens must
5 provide separate training for those individuals seeking to be
6 election challengers at an absent voter counting board.

7 (5) Upon completion of the election challenger training under
8 subsection (4), the political party, incorporated organization, or
9 organized committee of interested citizens must issue a certificate
10 of completion, signed by an officer of that political party,
11 incorporated organization, or organized committee of interested
12 citizens, to the individual seeking to be an election challenger.
13 The political party, incorporated organization, or organized
14 committee of interested citizens may issue the certificate of
15 completion electronically to the individual seeking to be an
16 election challenger if the electronic certificate of completion
17 contains an electronic signature from an officer of that political
18 party, incorporated organization, or organized committee of
19 interested citizens. A signed certificate of completion is valid
20 for 90 days after the date it is issued. The political party,
21 incorporated organization, or organized committee of interested
22 citizens must maintain a record of each individual issued a signed
23 certificate of completion by that political party, incorporated
24 organization, or organized committee of interested citizens.

25 (6) If a political party, incorporated organization, or
26 organized committee of interested citizens issues a signed
27 certificate of completion to an individual who the political party,
28 incorporated organization, or organized committee of interested
29 citizens did not provide election challenger training, the

1 political party, incorporated organization, or organized committee
2 of interested citizens is responsible for a state civil infraction
3 and may be ordered to pay a civil fine of not more than \$2,500.00.

4 Enacting section 1. This amendatory act does not take effect
5 unless House Bill No. 5783 of the 101st Legislature is enacted into
6 law.