

HOUSE BILL No. 5388

December 17, 2003, Introduced by Rep. Bieda and referred to the Committee on Local Government and Urban Policy.

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 section 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,
6 village, or township for use at each election. Except as
7 otherwise provided in this section, school buildings, fire
8 stations, police stations, and other publicly owned or controlled

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

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

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

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

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

19 (5) The legislative body of a city, village, or township
 20 shall ensure that a polling place established under this section
 21 complies with the voting accessibility for the elderly and
 22 handicapped act, Public Law 98-435, 42 U.S.C. 1973ee to
 23 1973ee-6.

24 Sec. 672. ~~At every~~ **Except as provided in this section for**
 25 **early voting, at each** election, there shall be a board of ~~at~~
 26 ~~least 3~~ **not less than 3 election** inspectors ~~of election,~~
 27 ~~constituted as in this chapter provided, in and~~ **appointed** for

1 each election precinct. Not less than a majority of the **election**
2 inspectors shall be present in the precinct polling place during
3 the time the polls are open. **If a city, village, or township**
4 **provides early voting, not less than 1 election inspector shall**
5 **be appointed and present in each polling place during the time**
6 **the polls are open.**

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

24 (2) The board of election commissioners shall designate 1
25 appointed election inspector as chairperson. The board of
26 election commissioners shall appoint at least 1 election
27 inspector from each major political party and shall appoint an

1 equal number, as nearly as possible, of election inspectors in
2 each election precinct from each major political party. The
3 board of election commissioners may appoint election inspectors
4 in an election precinct from minor political parties. Not later
5 than 2 business days following the appointment of election
6 inspectors under subsection (1) for elections in which a federal
7 or state office appears, the board of election commissioners
8 shall notify by certified mail, personal service, or electronic
9 transmission capable of determining date of receipt the county
10 chair of each major political party of the names and political
11 party affiliations of appointed election inspectors and the
12 precincts to which those inspectors were appointed. A board of
13 election commissioners shall not appoint a person as an election
14 inspector if that person declares a political party preference
15 for 1 political party but is a known active advocate of another
16 political party. As used in this section, "a known active
17 advocate" means a person who meets 1 or more of the following:
18 (a) Is a delegate to the convention or an officer of that
19 other party.
20 (b) Is affiliated with that party through an elected or
21 appointed government position.
22 (c) Has made documented public statements specifically
23 supporting by name the other political party or its candidates in
24 the same calendar year as the election for which the appointment
25 is being made. As used in this subdivision, "documented public
26 statements" means statements reported by the news media or
27 written statements with a clear and unambiguous attribution to

1 the applicant.

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

16 (4) Upon receipt of a challenge under subsection (3), the
17 board of election commissioners shall determine whether the
18 appointee has the necessary qualifications by reviewing the
19 application or ~~any~~ other official records, such as voter
20 registration records, or whether the applicant has a properly
21 completed certification of political party affiliation in the
22 application. If the challenge alleges that the appointee is a
23 known active advocate of a political party other than the one on
24 the appointee's application, the board of election commissioners
25 immediately shall provide the appointee with a copy of the
26 challenge by certified mail, personal service, or electronic
27 transmission capable of determining date of receipt. The

1 appointee may respond to the challenge within 2 business days
2 after receiving a copy of the challenge. A response shall be by
3 ~~affidavit~~ **sworn statement** addressing the specific reasons for
4 the challenge. Failure to respond shall result in revocation of
5 the appointment. Within 2 business days after receiving the
6 challenge or a response from the appointee, whichever is later,
7 the board of election commissioners shall make a final
8 determination and notify the appointee and the county chair of
9 the political party of the determination.

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

19 Sec. 720. (1) On the day of ~~any~~ **an** election, the polls
20 shall ~~be opened~~ **open** at 7 ~~o'clock in the forenoon,~~ **a.m.** and
21 shall be continuously open until 8 ~~o'clock in the afternoon and~~
22 ~~no longer~~ **p.m.** ~~Every~~ **Each** qualified elector present and in
23 line at the polls at ~~the hour prescribed for the~~ closing
24 ~~thereof~~ **time** shall be allowed to vote.

25 (2) In a jurisdiction conducting early voting under section
26 720a, the clerk conducting the election shall designate the hours
27 the polls will open and close. The polls shall be open not less

1 than 4 hours on each early voting day. Not less than 72 hours
2 before early voting begins, the clerk shall post the hours that
3 the polls will be open at the clerk's office and at each early
4 voting polling place. The clerk shall provide notice to electors
5 of the location of each early voting polling place and the dates
6 and hours the early voting polling place will be open. The
7 notice to electors shall substantially comply with the form in
8 section 653a.

9 Sec. 720a. (1) If the legislative body of a city, township,
10 or village approves early voting, a city, township, or village
11 may provide early voting for an election.

12 (2) In a city, township, or village providing early voting,
13 the clerk shall designate the date on which early voting shall
14 begin. Early voting shall begin not more than 17 days before a
15 primary, general, or special election and end at 2 p.m. on the
16 Saturday before the election. If the seventeenth day before an
17 election falls on a legal holiday, early voting shall begin on
18 the next day that is not a legal holiday. If designated by the
19 clerk, early voting days shall include Saturday and Sunday.

20 (3) The secretary of state shall cooperate with a
21 jurisdiction conducting early voting and provide technical
22 assistance to a jurisdiction requesting technical assistance.

23 (4) Subject to this section, a jurisdiction conducting early
24 voting shall follow the provisions of this act regarding all of
25 the following:

26 (a) Selection of a polling place.

27 (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
10 maintained for each day of early voting. The poll book and poll
11 list 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
22 qualified and registered elector may vote in person at a polling
23 place designated by the clerk conducting the election.