

HOUSE BILL No. 4261

February 10, 2005, Introduced by Reps. Bieda, Condino, Gleason, Gillard, Wojno, Vagnozzi, Hunter, Ward, Lipsey, Kolb, Alma Smith, Leland and Anderson 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 662, 672, 674, and 720 (MCL 168.662, 168.672, 168.674, and 168.720), section 662 as amended by 2004 PA 92 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, and
2 township shall designate ~~and prescribe~~ the place or places of
3 holding an election, **INCLUDING EARLY VOTING, IF APPLICABLE**, for a
4 city, village, or township election, and shall provide a suitable
5 polling place in or for each precinct located in the city, village,
6 or township for use at each election. Except as otherwise provided
7 in this section, school buildings, fire stations, police stations,

1 and other publicly owned or controlled buildings shall be used as
2 polling places. If it is not possible or convenient to use a
3 publicly owned or controlled building as a polling place, the
4 legislative body of the city, township, or village may use as a
5 polling place a building owned or controlled by an organization
6 that is exempt from federal income tax as provided by section
7 501(c), other than **SECTION** 501(c)(4), (5), or (6), of the internal
8 revenue code of 1986, **26 USC 501**, or ~~any~~ **A** successor statute. The
9 legislative body of a city, township, or village shall not
10 designate as a polling place a building that is owned by a person
11 who is a sponsor of a political committee or independent committee.
12 A city, township, or village shall not use as a polling place a
13 building that does not meet the requirements of this section. As
14 used in this subsection, "sponsor of a political committee or
15 independent committee" means a person who is described as being a
16 sponsor under section 24(3) of the Michigan campaign finance act,
17 1976 PA 388, MCL 169.224, and includes a subsidiary of a
18 corporation or a local of a labor organization, if the corporation
19 or labor organization is considered a sponsor under section 24(3)
20 of the Michigan campaign 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 have the polling
25 places equipped with the necessary facilities for lighting and with
26 adequate facilities for heat and ventilation. The legislative body
27 may establish a central polling place or places ~~for 6 precincts or~~

1 ~~less~~ if it is possible and convenient for the electors to vote at
2 the central polling place. The legislative body may abolish other
3 polling places not required as a result of the establishment of a
4 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 or
7 facility in which 150 persons or more aged 62 or older reside or at
8 an apartment building or complex in which 150 persons or more
9 reside. A township board may provide polling places located within
10 the limits of a city that has been incorporated from territory
11 formerly a part of the township, and the electors of the township
12 may cast their ballots at those polling places. If 2 contiguous
13 townships utilize a combined township hall or other publicly owned
14 or controlled building within 1 of the township's boundaries and
15 outside of the other township's boundaries, and there is not
16 another publicly owned or controlled building or a building owned
17 or controlled by an organization that is exempt from federal income
18 tax, as provided by section 501(c), other than 501(c)(4), (5), or
19 (6), of the internal revenue code of 1986, **26 USC 501**, available or
20 suitable for a polling place within the other township, then each
21 township board may provide a polling place in that publicly owned
22 building for 1 or more election precinct.

23 (4) The legislative body of a city, village, or township shall
24 not establish, move, or abolish a polling place less than 60 days
25 before an election unless necessary because a polling place has
26 been damaged, destroyed, or rendered inaccessible or unusable as a
27 polling place.

1 (5) The legislative body of a city, village, or township shall
2 ensure that a polling place established under this section is
3 accessible and complies with the voting accessibility for the
4 elderly and handicapped act and the help America vote act of 2002.

5 (6) As used in this section, "accessible" means the removal or
6 modification of policies, practices, and procedures that deny an
7 individual with a disability the opportunity to vote, including the
8 removal of physical barriers as identified in section 261(b) of the
9 help America vote act of 2002, 42 USC 15421, so as to ensure
10 individuals with disabilities the opportunity to participate in
11 elections in this state.

12 Sec. 672. ~~At every~~ **EXCEPT AS PROVIDED IN THIS SECTION FOR**
13 **EARLY VOTING, AT EACH** election, there shall be a board of ~~at least~~
14 ~~3~~ **NOT LESS THAN 3 ELECTION** inspectors ~~of election, constituted as~~
15 ~~in this chapter provided, in and~~ **APPOINTED** for each election
16 precinct. Not less than a majority of the **ELECTION** inspectors shall
17 be present in the precinct polling place during the time the polls
18 are open. **IF A CITY, VILLAGE, OR TOWNSHIP PROVIDES EARLY VOTING,**
19 **NOT LESS THAN 1 ELECTION INSPECTOR SHALL BE APPOINTED AND PRESENT**
20 **IN EACH POLLING PLACE DURING THE TIME THE POLLS ARE OPEN.**

21 Sec. 674. (1) ~~Notwithstanding any other provision of law to~~
22 ~~the contrary and subject to this section~~ **EXCEPT AS PROVIDED IN**
23 **SECTION 672,** the city and township board of election commissioners
24 and the village board of election commissioners for village
25 elections only, ~~at least~~ **NOT LESS THAN** 21 days but not more than
26 40 days before each election, ~~but in no case~~ **AND NOT** less than 5
27 days before the date set for holding **ELECTION INSPECTOR TRAINING**

1 schools, ~~of instruction,~~ shall appoint for each election precinct
2 at least 3 election inspectors and as many more as in its opinion
3 is required for the efficient, speedy, and proper conduct of the
4 election. The board of election commissioners may appoint as
5 election inspector an individual on the list submitted by a major
6 political party under section 673a who is qualified to serve under
7 section 677. An appointment of an election inspector under this
8 section is void if a properly completed application for that
9 election inspector is not on file in the clerk's office as
10 prescribed in section 677.

11 (2) The board of election commissioners shall designate 1
12 appointed election inspector as chairperson. The board of election
13 commissioners shall appoint at least 1 election inspector from each
14 major political party and shall appoint an equal number, as nearly
15 as possible, of election inspectors in each election precinct from
16 each major political party. The board of election commissioners may
17 appoint election inspectors in an election precinct from minor
18 political parties. Not later than 2 business days following the
19 appointment of election inspectors under subsection (1) for
20 elections in which a federal or state office appears, the board of
21 election commissioners shall notify by certified mail, personal
22 service, or electronic transmission capable of determining date of
23 receipt the county chair of each major political party of the names
24 and political party affiliations of appointed election inspectors
25 and the precincts to which those inspectors were appointed. A board
26 of election commissioners shall not appoint a person as an election
27 inspector if that person declares a political party preference for

1 1 political party but is a known active advocate of another
2 political party. As used in this section, "a known active advocate"
3 means a person who meets 1 or more of the following:

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

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

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

15 (3) The county chair of a major political party may challenge
16 the appointment of an election inspector based upon the
17 qualifications of the election inspector, the legitimacy of the
18 election inspector's political party affiliation, or whether there
19 is a properly completed declaration of political party affiliation
20 in the application for that election inspector on file in the
21 clerk's office. The challenge shall be in writing, specifically
22 identify the reason for the challenge, and include ~~any~~ available
23 documentation supporting the challenge. The county chair of the
24 political party shall file a challenge under this subsection with
25 the board of election commissioners not later than 4 business days
26 following receipt of the board of election commissioners' notice of
27 appointed election inspectors under subsection (2).

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

22 (5) If a vacancy occurs in the office of chairperson or in the
23 office of election inspector before election day, the chairperson
24 of the board of election commissioners shall designate ~~some other~~
25 **ANOTHER** properly qualified applicant or election inspector as
26 chairperson or ~~some other~~ **ANOTHER** qualified applicant as election
27 inspector, as applicable, subject to this section. If a vacancy

1 occurs in the office of chairperson on election day, the remaining
2 election inspectors shall designate 1 of the **ELECTION** inspectors as
3 chairperson.

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

10 (2) **IN A JURISDICTION CONDUCTING EARLY VOTING UNDER SECTION**
11 **720A, THE CLERK CONDUCTING THE ELECTION SHALL DESIGNATE THE HOURS**
12 **THE POLLS WILL OPEN AND CLOSE. THE POLLS SHALL BE OPEN NOT LESS**
13 **THAN 4 HOURS ON EACH EARLY VOTING DAY. NOT LESS THAN 72 HOURS**
14 **BEFORE EARLY VOTING BEGINS, THE CLERK SHALL POST THE HOURS THAT THE**
15 **POLLS WILL BE OPEN AT THE CLERK'S OFFICE AND AT EACH EARLY VOTING**
16 **POLLING PLACE. THE CLERK SHALL PROVIDE NOTICE TO ELECTORS OF THE**
17 **LOCATION OF EACH EARLY VOTING POLLING PLACE AND THE DATES AND HOURS**
18 **THE EARLY VOTING POLLING PLACE WILL BE OPEN. THE NOTICE TO ELECTORS**
19 **SHALL SUBSTANTIALLY COMPLY WITH THE FORM IN SECTION 653A.**

20 **SEC. 720A. (1) IF THE LEGISLATIVE BODY OF A CITY, TOWNSHIP, OR**
21 **VILLAGE APPROVES EARLY VOTING, A CITY, TOWNSHIP, OR VILLAGE MAY**
22 **PROVIDE EARLY VOTING FOR AN ELECTION.**

23 (2) **IN A CITY, TOWNSHIP, OR VILLAGE PROVIDING EARLY VOTING,**
24 **THE CLERK SHALL DESIGNATE THE DATE ON WHICH EARLY VOTING SHALL**
25 **BEGIN. EARLY VOTING SHALL BEGIN NOT MORE THAN 17 DAYS BEFORE A**
26 **PRIMARY, GENERAL, OR SPECIAL ELECTION AND END AT 2 P.M. ON THE**
27 **SATURDAY BEFORE THE ELECTION. IF THE SEVENTEENTH DAY BEFORE AN**

1 ELECTION FALLS ON A LEGAL HOLIDAY, EARLY VOTING SHALL BEGIN ON THE
2 NEXT DAY THAT IS NOT A LEGAL HOLIDAY. IF DESIGNATED BY THE CLERK,
3 EARLY VOTING DAYS SHALL INCLUDE SATURDAY AND SUNDAY.

4 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH A JURISDICTION
5 CONDUCTING EARLY VOTING AND PROVIDE TECHNICAL ASSISTANCE TO A
6 JURISDICTION REQUESTING TECHNICAL ASSISTANCE.

7 (4) SUBJECT TO THIS SECTION, A JURISDICTION CONDUCTING EARLY
8 VOTING SHALL FOLLOW THE PROVISIONS OF THIS ACT REGARDING ALL OF THE
9 FOLLOWING:

10 (A) SELECTION OF A POLLING PLACE.

11 (B) ELECTION INSPECTORS.

12 (C) CHALLENGES TO VOTERS.

13 (D) POLL BOOK AND POLL LIST.

14 (E) NOTICES, INSTRUCTIONS, AND PLACARDS.

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

16 (G) BALLOT SECURITY, BALLOT CONTAINERS, BALLOT COUNTING, AND
17 BALLOT PRESERVATION.

18 (5) A POLL BOOK AND POLL LIST FOR EACH PRECINCT SHALL BE
19 MAINTAINED FOR EARLY VOTING IN ACCORDANCE WITH SECTION 735. THE
20 POLL BOOK SHALL BE DIVIDED BY DATE AND SEPARATE RECORDS MAINTAINED
21 FOR EACH DAY OF EARLY VOTING. THE POLL BOOK AND POLL LIST MAY BE
22 MAINTAINED ELECTRONICALLY.

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

26 (7) EACH DAY OF EARLY VOTING, THE CHAIR OF THE BOARD OF
27 ELECTION INSPECTORS FOR EACH PRECINCT SHALL SIGN AND INCLUDE IN THE

1 POLL BOOK A CERTIFICATION STATEMENT VERIFYING THAT THE NUMBER OF
2 ELECTORS REQUESTING A BALLOT AS DETERMINED BY THE POLL BOOK AND
3 POLL LIST IS THE SAME AS THE NUMBER OF BALLOTS CAST.

4 (8) "EARLY VOTING", AS USED IN THIS ACT, MEANS A PROGRAM THAT
5 PERMITS A QUALIFIED AND REGISTERED ELECTOR TO VOTE IN PERSON AT A
6 POLLING PLACE DESIGNATED BY THE CLERK CONDUCTING THE ELECTION
7 DURING A PERIOD OF TIME BEFORE THE DATE OF A PRIMARY, GENERAL, OR
8 SPECIAL ELECTION.