

**SUBSTITUTE FOR  
SENATE BILL NO. 279**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 730 and 764d (MCL 168.730 and 168.764d),  
section 730 as amended by 1995 PA 261 and section 764d as added by  
2020 PA 95.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 730. (1) At an election, a political party or an  
2 incorporated organization or organized committee of citizens  
3 interested in the adoption or defeat of a ballot question being  
4 voted for or upon at the election, or interested in preserving the  
5 purity of elections and in guarding against the abuse of the  
6 elective franchise, may designate challengers as provided in this  
7 act. Except as otherwise provided in this act, a political party,

1 incorporated organization, or organized committee of interested  
 2 citizens may designate not more than 2 challengers to serve in a  
 3 precinct at any 1 time. ~~A-Except as otherwise provided in this act,~~  
 4 **a** political party, incorporated organization, or organized  
 5 committee of interested citizens may designate not more than 1  
 6 challenger to serve at each **absent voter** counting board.

7 (2) A challenger ~~shall~~**must** be a registered elector of this  
 8 state. Except as otherwise provided in this section, a candidate  
 9 for nomination or election to an office shall not serve as a  
 10 challenger at the election in which he or she is a candidate. A  
 11 candidate for the office of delegate to a county convention may  
 12 serve as a challenger in a precinct other than the ~~1-one~~ in which  
 13 he or she is a candidate. ~~A person~~**An individual** who is appointed  
 14 as an election inspector at an election shall not act as a  
 15 challenger at any time during the election day.

16 (3) A challenger may be designated to serve in more than 1  
 17 precinct **or absent voter counting board**. The political party,  
 18 incorporated organization, or organized committee of interested  
 19 citizens shall indicate which precincts **or absent voter counting**  
 20 **boards** the challenger will serve when designating challengers under  
 21 subsection (1). If more than 1 challenger of a political party,  
 22 incorporated organization, or organized committee of interested  
 23 citizens is serving in a precinct **or absent voter counting board** at  
 24 any 1 time, only 1 of the challengers has the authority to initiate  
 25 a challenge at any given time. The challengers shall indicate to  
 26 the board of election inspectors which of the ~~2-will have~~  
 27 **challengers has** this authority. The challengers may change this  
 28 authority and shall indicate the change to the board of election  
 29 inspectors.

1           (4) If an absent voter counting board or absent voter counting  
2 boards are established by an agreement entered into under section  
3 764d(1) (a), (b), or (c), and the county, city, or township clerk  
4 responsible for counting the absent voter ballots under that  
5 agreement assigns more than 2,999 absent voter ballots to be  
6 counted by a single absent voter counting board, a political party,  
7 incorporated organization, or organized committee of interested  
8 citizens may, except as otherwise provided in subsection (5),  
9 designate the following to that absent voter counting board:

10           (a) Two challengers for the initial 2,999 absent voter ballots  
11 assigned to be counted at that absent voter counting board.

12           (b) One additional challenger for every 2,999 absent voter  
13 ballots over the initial 2,999 absent voter ballots assigned to be  
14 counted at that absent voter counting board.

15           (5) Notwithstanding subsection (4), a political party,  
16 incorporated organization, or organized committee of interested  
17 citizens is not authorized to designate more than 1 challenger for  
18 every 3 election inspectors appointed to an absent voter counting  
19 board.

20           (6) If an absent voter counting board continues to work after  
21 the polls close on election day, a political party, incorporated  
22 organization, or organized committee of interested citizens that  
23 designated a challenger or challengers to that absent voter  
24 counting board may, after the polls close on election day, replace  
25 that challenger or those challengers in that absent voter counting  
26 board. Any challenger designated to replace another challenger  
27 under this subsection must meet the requirements under subsection  
28 (2).

29           Sec. 764d. (1) Notwithstanding any provision of law to the

1 contrary and subject to subsections (2) and (12), not less than 75  
2 days before the day of an election, the clerk of a city or township  
3 may do any of the following:

4 (a) Enter into an agreement with the clerk of another city or  
5 township, or with the clerks of more than 1 city or township,  
6 located in the same county as that city or township to establish a  
7 combined absent voter counting board **or combined absent voter**  
8 **counting boards** to count the absent voter ballots for each  
9 participating city or township.

10 (b) Enter into an agreement with the clerk of another city or  
11 township located in the same county that authorizes the clerk of 1  
12 participating city or township to process and count the absent  
13 voter ballots for both participating entities by utilizing the  
14 absent voter counting board **or absent voter counting boards** of that  
15 participating city or township.

16 (c) Enter into an agreement with the clerk of the county in  
17 which that city or township is located to establish an absent voter  
18 counting board **or absent voter counting boards** to count the absent  
19 voter ballots for that city or township. If a city or township has  
20 boundaries located in more than 1 county, the clerk of the city or  
21 township shall only enter into an agreement under this subdivision  
22 with the county clerk of the county in which the majority of the  
23 electors of the city or township reside.

24 (2) Except as otherwise provided in this subsection, an absent  
25 voter counting board established under subsection (1) must not be  
26 used for the first time at a general November election. For the  
27 November 3, 2020 general November election, an absent voter  
28 counting board may be established under subsection (1) and used for  
29 the first time if either of the following occurs:

1 (a) An agreement is entered into under subsection (1)(a) or  
2 (b) and at least 1 of the clerks participating in the agreement has  
3 previously operated an absent voter counting board.

4 (b) An agreement is entered into under subsection (1)(c).

5 (3) An agreement entered into under subsection (1)(b) or (c)  
6 must comply with the established approval procedures of the  
7 governing body of each county, city, or township involved, or if  
8 established approval procedures do not exist, the agreement must be  
9 approved by resolution of the governing body of that county, city,  
10 or township.

11 (4) The bureau of elections shall do both of the following:

12 (a) Develop model language to be used by county, city, and  
13 township clerks for agreements entered into under subsection (1).

14 (b) Develop procedures to implement this section.

15 (5) Except as otherwise provided in this subsection, if the  
16 clerk of a city or township enters into an agreement under  
17 subsection (1), the clerk of that city or township shall file the  
18 agreement with the county clerk of the county in which that city or  
19 township is located no later than 74 days before the election at  
20 which the agreement applies. For an election occurring before  
21 January 1, 2021, the clerk of a city or township who enters into an  
22 agreement under subsection (1) is not required to file the  
23 agreement with the county clerk if all of the following apply:

24 (a) The electronic voting system used by the county can be  
25 programmed to accommodate an absent voter counting board formed  
26 under subsection (1).

27 (b) The county clerk agrees that the electronic voting system  
28 used by the county can be altered after completion of the ballot  
29 programming.

1 (c) The appropriate board of election commissioners publicly  
 2 tests the electronic tabulating equipment as required under section  
 3 798.

4 (6) If the clerk of a city or township enters into an  
 5 agreement under subsection (1) and that agreement covers more than  
 6 1 election, the agreement must allow any participating clerk to  
 7 terminate the agreement by giving 84 days' written notice to each  
 8 of the other participating clerks. If the clerk terminating the  
 9 agreement is a city or township clerk, the clerk must also file the  
 10 notice of termination with the county clerk of the county in which  
 11 that city or township is located no later than 2 business days  
 12 after the date of termination. If the clerk terminating the  
 13 agreement is a county clerk, the clerk must also file the notice of  
 14 termination with the bureau of elections no later than 2 business  
 15 days after the date of termination.

16 (7) For ~~a~~**each** combined absent voter counting board  
 17 established under subsection (1)(a), all of the following apply:

18 (a) The board of election commissioners of each participating  
 19 city or township must appoint at least 1 election inspector to that  
 20 combined absent voter counting board not less than 21 days or more  
 21 than 40 days before the election at which those election inspectors  
 22 are to be used. Sections 673a and 674 apply to the appointment of  
 23 election inspectors to ~~a~~**each** combined absent voter counting board.

24 (b) The agreement entered into under subsection (1)(a) must  
 25 designate the place for ~~the~~**each** combined absent voter counting  
 26 board to count the absent voter ballots. Section 662 applies to the  
 27 designation and prescribing of the ~~combined absent voter ballot~~  
 28 ~~counting~~ place in which ~~the~~**each** combined absent voter counting  
 29 board performs its duties.

1           (c) The agreement entered into under subsection (1)(a) must  
2 establish the time at which the election inspectors of ~~the each~~  
3 combined absent voter counting board report for duty.

4           (8) For ~~an each~~ absent voter counting board established under  
5 subsection (1)(c), all of the following apply:

6           (a) The board of election commissioners of the city or  
7 township entering into an agreement under subsection (1)(c) shall  
8 appoint at least 1 election inspector to the absent voter counting  
9 board and the county board of election commissioners of that county  
10 shall appoint at least 1 election inspector to the absent voter  
11 counting board not less than 21 days or more than 40 days before  
12 the election at which those election inspectors are to be used.  
13 Sections 673a and 674 apply to the appointment of election  
14 inspectors to ~~the each~~ absent voter counting board.

15           (b) In consultation with the parties to an agreement under  
16 subsection (1)(c), the county board of election commissioners shall  
17 designate the place for ~~the each~~ absent voter counting board to  
18 count the absent voter ballots. Section 662 applies to the  
19 designation and prescribing of the ~~absent voter ballot counting~~  
20 place in which ~~the each~~ absent voter counting board performs its  
21 duties.

22           (c) In consultation with the parties to an agreement under  
23 subsection (1)(c), the county board of election commissioners shall  
24 establish the time at which the election inspectors of ~~the each~~  
25 absent voter counting board report for duty.

26           (9) The election inspectors appointed to an absent voter  
27 counting board established under subsection (1) ~~shall must~~ comply  
28 with section 733(2) regarding election challengers.

29           (10) If the clerk of a city or township enters into an

1 agreement under subsection (1), any absent voter ballot received by  
2 that city or township clerk after 4 p.m. on the day before an  
3 election must not be delivered to ~~the~~**an** absent voter counting  
4 board but must instead be delivered to the voting precinct of the  
5 elector on election day to be processed and counted.

6 (11) The provisions of section 765a(8) to (13) apply to ~~an~~  
7 **each** absent voter counting board established under subsection (1).

8 (12) For an election occurring before January 1, 2021, the  
9 clerk of a city or township may enter into an agreement under  
10 subsection (1) not less than 23 days before the day of the election  
11 if all of the following apply:

12 (a) The electronic voting system used by the county can be  
13 programmed to accommodate an absent voter counting board formed  
14 under subsection (1).

15 (b) The county clerk agrees that the electronic voting system  
16 used by the county can be altered after completion of the ballot  
17 programming.

18 (c) The appropriate board of election commissioners publicly  
19 tests the electronic tabulating equipment as required under section  
20 798.

21 (13) This section does not abrogate the duties or  
22 responsibilities of a city or township clerk for conducting  
23 elections under this act. In addition, this section does not  
24 provide any additional duties or responsibilities for the secretary  
25 of state for conducting elections under this act.