

HOUSE BILL NO. 6124

May 19, 2022, Introduced by Reps. Bollin, Mueller, Lightner and Green and referred to the Committee on Elections and Ethics.

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

1 following:

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

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

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

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

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

28 (f) Prepare the form of ballot for any proposed amendment to
29 the constitution or proposal under the initiative or referendum

1 provision of the constitution to be submitted to the voters of this
2 state.

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

5 (h) Investigate, or cause to be investigated by local
6 authorities, the administration of election laws, and report
7 violations of the election laws and regulations to the attorney
8 general or prosecuting attorney, or both, for prosecution.

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

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

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

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

26 (m) Establish a comprehensive training curriculum for all
27 precinct inspectors.

28 (n) Create an election day dispute resolution team that has
29 regional representatives of the department of state, which team

1 ~~shall~~**must** appear on site, if necessary.

2 **(o) Establish and require a comprehensive training for each**
3 **county clerk, and for each political party, incorporated**
4 **organization, and organized committee of interested citizens that**
5 **seeks to designate election challengers at an election, regarding**
6 **the processes and procedures on election day and the powers,**
7 **rights, and duties of election challengers.**

8 (2) Pursuant to the administrative procedures act of 1969,
9 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
10 promulgate rules establishing uniform standards for state and local
11 nominating, recall, and ballot question petition signatures. The
12 standards for petition signatures may include, but need not be
13 limited to, standards for all of the following:

14 (a) Determining the validity of registration of a circulator
15 or individual signing a petition.

16 (b) Determining the genuineness of the signature of a
17 circulator or individual signing a petition, including digitized
18 signatures.

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

21 Sec. 683. Each county clerk before each primary and election
22 shall, by some reliable means, notify the clerk of each township
23 and city in the county of a training school for election inspectors
24 to be held at a place designated by the county clerk within 20 days
25 before each primary, general, and special election. The township
26 and city clerks shall notify each election inspector appointed to
27 serve at that election of the time and place of the training
28 school. At the meeting, the county clerk shall instruct and
29 demonstrate the manner in which the duties of election inspectors

are required by law to be performed, **and must include, but not be limited to, the comprehensive training described under section 31(1)(o) regarding the processes and procedures on election day and the powers, rights, and duties of election challengers.** ~~It is the duty of the~~ **The election** inspectors, ~~so once~~ notified of the time and place of the meeting, ~~to shall~~ attend the meeting unless excused by the county clerk for good cause. Compensation may be paid to them by their respective municipalities at a rate as determined by the governing bodies. An election inspector shall not serve in any election unless he or she has within the last preceding 2 years either attended an election school or has passed satisfactorily an examination given by the election commission of the city or township in which appointed. The examination is subject to the approval of the secretary of state. This section does not prevent the appointment of an election inspector to fill a vacancy. This section does not prohibit any city or any township having a population of 10,000 or more from conducting its own training school for election inspectors of that city or township. If a city or township conducts its own training school, election inspectors who attend a city or township training school are not required to attend the county training school.

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

1 citizens may designate not more than 2 challengers to serve in a
2 precinct at any 1 time. A political party, incorporated
3 organization, or organized committee of interested citizens may
4 designate not more than 1 challenger to serve at each counting
5 board.

6 (2) A challenger ~~shall~~**must** be a registered elector of this
7 state. **A challenger must not serve as a challenger at any election**
8 **unless he or she has within the last 90 days before the election**
9 **attended election challenger training as described in section 730a**
10 **and received a signed certificate of completion for that election**
11 **challenger training.** Except as otherwise provided in this section,
12 a candidate for nomination or election to an office shall not serve
13 as a challenger **in any precinct in the jurisdiction in which he or**
14 **she is a candidate** at the election in which he or she is a
15 candidate. A candidate for the office of delegate to a county
16 convention may serve as a challenger in a precinct other than the 1
17 in which he or she is a candidate. ~~A person~~**An individual** who is
18 appointed as an election inspector at an election shall not act as
19 a challenger at any time during the election day.

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

1 The challengers may change this authority and ~~shall~~**must** indicate
2 the change to the board of election inspectors.

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

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

24 (3) The secretary of state shall create and maintain a
25 registry that includes each political party, incorporated
26 organization, and organized committee of interested citizens that
27 completes the election challenger training under this section. For
28 each political party, incorporated organization, and organized
29 committee of interested citizens in the registry, the name of each

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

16 (4) Upon completion of the election challenger training as
17 provided in subsection (1), and before the primary, general, or
18 special election, the political party, incorporated organization,
19 or organized committee of interested citizens must provide election
20 challenger training for those individuals seeking to be election
21 challengers for that political party, incorporated organization, or
22 organized committee of interested citizens. The election challenger
23 training for the individuals seeking to be election challengers
24 must include, but not be limited to, the comprehensive training
25 described under section 31(1)(o) regarding the processes and
26 procedures on election day and the powers, rights, and duties of
27 election challengers. The political party, incorporated
28 organization, or organized committee of interested citizens must
29 provide separate training for those individuals seeking to be

1 election challengers at an absent voter counting board.

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

20 (6) If a political party, incorporated organization, or
21 organized committee of interested citizens issues a signed
22 certificate of completion to an individual who the political party,
23 incorporated organization, or organized committee of interested
24 citizens did not provide election challenger training, the
25 political party, incorporated organization, or organized committee
26 of interested citizens is responsible for a state civil infraction
27 and may be ordered to pay a civil fine of not more than \$2,500.00.

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

1 law.