

# HOUSE BILL NO. 4962

June 03, 2021, Introduced by Reps. Reilly, Griffin, Outman, Maddock, Borton, Carra, Rendon, Markkanen and Wozniak and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 674 and 677 (MCL 168.674 and 168.677), as  
amended by 2018 PA 120.

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

**1**       Sec. 674. (1) Notwithstanding any other provision of law to  
**2**   the contrary and subject to this section, the city and township  
**3**   board of election commissioners, at least 21 days but not more than  
**4**   40 days before each election, but in no case less than 5 days

1 before the date set for holding schools of instruction, shall  
2 appoint for each election precinct at least 3 election inspectors  
3 and as many more as in its opinion is required for the efficient,  
4 speedy, and proper conduct of the election. ~~The~~ **Subject to this**  
5 **subsection and subsection (2), the** board of election commissioners  
6 may appoint as election inspector an individual on the list  
7 submitted by a major political party under section 673a who is  
8 qualified to serve under section 677. An appointment of an election  
9 inspector under this section is void if a properly completed  
10 application for that election inspector is not on file in the  
11 clerk's office as prescribed in section 677. **Subject to subsection**  
12 **(2), the board of election commissioners must give the following**  
13 **individuals described in subdivision (a) first priority and the**  
14 **following individuals described in subdivision (b) second priority**  
15 **when appointing election inspectors under this section:**

16 (a) Those individuals who are on a list submitted by a major  
17 political party under section 673a, have filed a properly completed  
18 application to be an election inspector, and are qualified to serve  
19 as provided under section 677.

20 (b) Those individuals who are registered and qualified  
21 electors of this state, have filed a properly completed application  
22 to be an election inspector, and are qualified to serve as provided  
23 under section 677.

24 (2) From the pool of eligible individuals to be appointed as  
25 election inspectors, the board of election commissioners shall  
26 appoint election inspectors by random selection. The board of  
27 election commissioners shall designate 1 appointed election  
28 inspector as chairperson. ~~The~~ **Subject to this subsection and**  
29 **subsection (6), the** board of election commissioners shall appoint

at least 1 election inspector from each major political party and shall appoint an equal number, as nearly as possible, of election inspectors in each election precinct from each major political party. **However, the board of election commissioners must not appoint more than 2 election inspectors from a major political party for every 1 election inspector appointed from the other major political party for any election precinct in that city or township.**

The board of election commissioners may appoint election inspectors in an election precinct from minor political parties. Not later than 2 business days following the appointment of election inspectors under subsection (1) for elections in which a federal or state office appears, the board of election commissioners shall notify by certified mail, personal service, or electronic transmission capable of determining date of receipt the county chair of each major political party of the names and political party affiliations of appointed election inspectors and the precincts to which those **election** inspectors were appointed. A board of election commissioners shall not appoint ~~a person~~ **an individual** as an election inspector if that ~~person~~ **individual** declares a political party preference for 1 political party but is a known active advocate of another political party. As used in this section, "a known active advocate" means ~~a person~~ **an individual** who meets 1 or more of the following:

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

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

(c) Has made documented public statements specifically supporting by name the other political party or its candidates in

1 the same calendar year as the election for which the appointment is  
2 being made. As used in this subdivision, "documented public  
3 statements" means statements reported by the news media or written  
4 statements with a clear and unambiguous attribution to the  
5 applicant.

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

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

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

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

19 (6) **If a city or township board of election commissioners is**  
20 **not able to appoint an equal number of election inspectors from**  
21 **each major political party in each election precinct in that city**  
22 **or township, the clerk of that city or township must submit a**  
23 **report to the secretary of state not more than 10 days after the**  
24 **election detailing all of the efforts the city or township made to**  
25 **appoint an equal number of election inspectors from each major**  
26 **political party in each election precinct in that city or township.**

27 Sec. 677. (1) Except as otherwise provided in subsection (4),  
28 a precinct election inspector must be a qualified and registered  
29 elector of this state, must have a good reputation, and must have

1 sufficient education and clerical ability to perform the duties of  
2 the office. ~~A person~~ **An individual** must not be appointed to a board  
3 of election inspectors unless the ~~person~~ **individual** has filed an  
4 application with a city or township clerk in that county where the  
5 individual wishes to serve as election inspector. **At least 40 days**  
6 **but not more than 90 days before each election, each city and**  
7 **township clerk must post notice on the city or township website and**  
8 **post notice at the city or township clerk's office regarding the**  
9 **application process to be a precinct election inspector. The posted**  
10 **notice must include information for completing and submitting the**  
11 **application to be a precinct election inspector electronically to**  
12 **the city or township clerk. Except as otherwise provided in**  
13 **sections 673a and 674 and subject to this subsection, the city or**  
14 **township clerk shall not accept an application to be a precinct**  
15 **election inspector submitted 90 days or more before an election,**  
16 **and may only accept an application to be a precinct election**  
17 **inspector submitted less than 40 days before an election if there**  
18 **are not sufficient individuals to be appointed precinct election**  
19 **inspectors in the city or township. Only those individuals who file**  
20 **a properly completed application to be a precinct election**  
21 **inspector under this section and who are qualified are to be**  
22 **appointed as precinct election inspectors.**

23 (2) ~~The~~ **Except as otherwise provided in this subsection, the**  
24 **application must be in his or her own handwriting and must contain**  
25 **the applicant's name, home address, ward and precinct registration**  
26 **if any, date of birth, political party affiliation, education,**  
27 **employment, and other experience qualifications. Each city or**  
28 **township clerk must make the application to be a precinct election**  
29 **inspector available electronically to allow an applicant to**

1 **complete and submit his or her application to the city or township**  
2 **clerk electronically.** The application must provide a certification  
3 that the applicant is not a member or a known active advocate, as  
4 that term is defined in section 674, of a political party other  
5 than the one entered on the application. The form of the  
6 application under this section must be approved by the state  
7 director of elections. The clerk shall maintain a file of  
8 applications filed under this section and make the applications  
9 available for public inspection at the clerk's office during normal  
10 business hours.

11 (3) ~~A person~~ **An individual** must not be knowingly appointed or  
12 permitted to act as a precinct election inspector if the ~~person~~  
13 **individual** or any member of his or her immediate family is a  
14 candidate for nomination or election to any office at the election  
15 or who has been convicted of a felony or election crime. ~~A person~~  
16 **An individual** must not be permitted to act as an election inspector  
17 if he or she has failed to attend a school of instruction or failed  
18 to take an examination as provided in section 683. This section  
19 does not prohibit the candidate for or delegate to a political  
20 party convention from acting as an election inspector in a precinct  
21 other than the precinct in which he or she resides. An election  
22 must not be invalidated merely because of the violation of the  
23 provisions of this section.

24 (4) Except as otherwise provided in this subsection and  
25 subject to subsection (5), ~~a person~~ **an individual** who is 16 or 17  
26 years of age may be appointed to a board of election inspectors.  
27 Before ~~a person~~ **an individual** may be appointed under this  
28 subsection, the first 3 members of the board required to be  
29 appointed under section 672 must meet the requirements of

1 subsections (1) to (3). ~~A person~~ **An individual** who is appointed  
2 under this subsection must meet the requirements of subsections (1)  
3 to (3) other than being a qualified and registered elector of this  
4 state. ~~A person~~ **An individual** who is appointed under this  
5 subsection is not eligible to be designated as chairperson of the  
6 board under section 674.

7 (5) If ~~a person~~ **an individual** seeking appointment to a board  
8 of election inspectors under subsection (4) is attending a K-12  
9 school and if an election falls on a school day, the ~~person~~  
10 **individual** shall provide to the clerk, along with the application  
11 filed under subsections (1) and (2), a written document from his or  
12 her school specifically acknowledging that ~~person's~~ **individual's**  
13 application for appointment to the board of election inspectors and  
14 specifically excusing that ~~person~~ **individual** from school on the  
15 date of service, if the appointment is made.