

HOUSE BILL No. 4989

July 17, 2003, Introduced by Reps. Jamnick, Byrum, Accavitti, Bieda and Hardman 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 31, 33, and 683 (MCL 168.31, 168.33, and 168.683), section 31 as amended by 1999 PA 220 and section 33 as amended by 2002 PA 91.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31. (1) The secretary of state shall do all of the
2 following:

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

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

1 (c) Publish and furnish for the use in each election precinct
2 before each state primary, **general**, and **special** election a manual
3 of instructions that includes specific instructions on assisting
4 voters in casting their ballots, directions on the location of
5 voting stations in polling places, procedures and forms for
6 processing challenges, and procedures on prohibiting campaigning
7 in the polling places as prescribed in this act.

8 (d) Publish indexed pamphlet copies of the registration,
9 primary, and election laws and furnish to the various county,
10 city, township, and village clerks a sufficient number of copies
11 for their own use and to enable them to include 1 copy with the
12 election supplies furnished each precinct board of election
13 inspectors under their respective jurisdictions. The secretary
14 of state may furnish single copies of the publications to
15 organizations or individuals who request the same for purposes of
16 instruction or public reference.

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

20 (f) Prepare the form of ballot for ~~any~~ a proposed amendment
21 to the constitution or proposal under the initiative or
22 referendum provision of the constitution to be submitted to the
23 voters of this state.

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

26 (h) Investigate, or cause to be investigated by local
27 authorities, the administration of election laws, and report

1 violations of the election laws and regulations to the attorney
2 general or prosecuting attorney, or both, for prosecution.

3 (i) Publish in the legislative manual the vote for governor
4 and secretary of state by townships and wards and the vote for
5 members of the state legislature cast at the preceding November
6 election ~~, which shall be~~ **that is** returned to the secretary of
7 state by the county clerks on or before the first day of December
8 following the election. ~~All clerks~~ **Each clerk** shall furnish to
9 the secretary of state, promptly and without compensation, ~~any~~
10 **reports of the overvoting and undervoting for each jurisdiction**
11 **and** further information requested of ~~them~~ **the clerk** to be used
12 in the compilation of the legislative manual. **The reports of the**
13 **overvoting and undervoting for each jurisdiction may be included**
14 **in the legislative manual at the discretion of the secretary of**
15 **state.**

16 (j) Establish **and implement** a curriculum for comprehensive
17 training and accreditation of all county, city, township,
18 village, and school elections officials **and require each clerk or**
19 **designee to attend and successfully complete a training school**
20 **conducted under section 33 not less than every 2 years. To**
21 **maintain his or her accreditation, each clerk, designee, or**
22 **election official shall complete a training school conducted**
23 **under section 33 every 2 years.**

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

27 (l) Establish a comprehensive training curriculum for all

1 precinct inspectors.

2 (m) Create an election day dispute resolution team that has
3 regional representatives of the department of state ~~, which team~~
4 ~~shall to~~ appear on site, if necessary.

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

12 (a) Determining the validity of registration of a circulator
13 or individual signing a petition.

14 (b) Determining the genuineness of the signature of a
15 circulator or individual signing a petition.

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

18 Sec. 33. (1) The director of elections shall conduct
19 training schools throughout this state ~~preceeding~~ **before** the
20 general November election, and ~~preceeding such~~ **before** other
21 elections as the director considers advisable, for ~~county~~ **all**
22 clerks ~~and~~ **or** their ~~representatives~~ **designees** with respect to
23 the conducting of elections in accordance with the election
24 laws. Included in this training shall be instruction on the
25 uniform voting system. ~~In case any county clerk shall fail to~~
26 ~~conduct in his or her county a training school for election~~
27 ~~boards within the county, the director of elections shall conduct~~

1 ~~such training school, the cost of the training school to be~~
2 ~~charged as an obligation of the county.~~

3 (2) The director of elections shall train all ~~county, city,~~
4 ~~and township~~ clerks **or their designees** who are involved in the
5 training of ~~precinct~~ **election** inspectors. The training
6 **curriculum** shall include team training and monitoring of their
7 performance as trainers. **Each clerk or designee shall attend and**
8 **successfully complete a training school conducted under this**
9 **section not less than every 2 years.**

10 (3) The director of elections shall conduct all ~~precinct~~
11 **election** inspector training in counties where the clerk **or**
12 **designee** has not been accredited to conduct the training
13 ~~schools~~ **school.**

14 (4) **If a clerk fails to conduct a training school for**
15 **election boards within his or her jurisdiction, the director of**
16 **elections shall conduct the training school and charge the cost**
17 **of the training school to the county.**

18 Sec. 683. Each ~~county~~ clerk prior to each primary,
19 **general,** and **special** election shall, by some reliable means,
20 notify the ~~clerk of each township and city in the county of a~~
21 ~~training school for~~ election inspectors ~~to be held at a place~~
22 ~~designated by the county clerk~~ within 20 days ~~prior to each~~
23 **before a** primary, general, and special election ~~—The township~~
24 ~~and city clerks shall notify each election inspector appointed to~~
25 ~~serve at that election~~ of the time and place of ~~such~~ **the**
26 training school. At ~~such meeting, the county clerk~~ **the**
27 **training school, an accredited trainer shall train election**

1 **inspectors in accordance with the curriculum established in**
2 **sections 31 and 33 and shall** instruct and demonstrate ~~the manner~~
3 ~~in which~~ **how** the duties of election inspectors are required by
4 law to be performed. ~~It shall be the duty of the inspectors, so~~
5 ~~notified, to attend such meeting~~ **an election inspector notified**
6 **under this section shall attend the training school** unless
7 excused by the ~~county~~ clerk for good cause. Compensation **for**
8 **attending the training school** may be paid ~~them therefor by their~~
9 ~~respective municipalities at such rate as may be determined by~~
10 ~~the governing bodies~~ **to an election inspector under section**
11 **682.** ~~No inspector of election~~ **An election inspector shall not**
12 serve in ~~any~~ **an** election unless he ~~shall have~~ **or she has been**
13 **certified to have** within the last ~~preceeding~~ 2 years either
14 **attended and successfully completed** an election **training** school
15 or ~~shall have~~ passed ~~satisfactorily~~ an examination given by
16 the **board of** election ~~commission~~ **commissioners** of the city,
17 township, or village in which **he or she was** appointed. The
18 examination ~~shall be~~ **is** subject to the approval of the
19 secretary of state. This section ~~shall~~ **does** not prevent the
20 appointment of an ~~inspector of~~ election **inspector** to fill a
21 vacancy. ~~This section shall not prohibit any city or any~~
22 ~~township having a population of 10,000 or more from conducting~~
23 ~~its own training school for election inspectors of that city or~~
24 ~~township in which case election inspectors who have attended such~~
25 ~~school shall not be required to attend the county training~~
26 ~~school.~~