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BILL ANALYSIS

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House Bill 4528 (Substitute H-4 as passed by the House)
Sponsor: Representative Bryan Posthumus
House Committee: Elections and Ethics
Judiciary
Senate Committee: Elections

Date Completed: 9-29-21

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Require the Secretary of State (SOS) to provide comprehensive training regarding the processes and procedures on election day and the powers, rights, and duties of election challengers for each county clerk, and for each political party, incorporated organization, and organized committee of interested citizens seeking to designate election challengers.**
- **Require county clerks to provide the same comprehensive training to election inspectors.**
- **Require the SOS and county clerks to provide election challenger training that included the same comprehensive training to representatives of the above entities for both precinct polling place and absent voter counting boards.**
- **Require the above entities to provide election challenger training that included the same comprehensive training to individuals seeking to be election challengers and require those entities to certify the trained individuals.**
- **Specify that if a party, organization, or committee issued a certificate of completion to an individual who did not receive training from that entity, the entity would be responsible for a State civil infraction.**
- **Require the SOS to create and maintain a registry including all of the above entities who had completed the election challenger training and the name of the representative who completed the training.**
- **Prohibit an election challenger from serving as an election challenger unless he or she was certified as having completed election challenger training.**
- **Prohibit a candidate for nomination or election from serving as an election challenger in any precinct in the jurisdiction in which he or she was a candidate.**

Requirement to Conduct General Training for Relevant Parties

Specifically, the bill would require the SOS to establish and require a comprehensive training for each county clerk, and for each political party, incorporated organization, and organized committee of interested citizens that sought to designate election challengers at an election, regarding the processes and procedures on election day and the powers, rights, and duties of election challengers.

The Law currently requires each county clerk before each primary and election to train election inspectors. The clerk must demonstrate, at these meetings, the manner in which the duties

of election inspectors are required by law to be performed. The bill would require that the demonstration include the comprehensive training described above.

Election Challenger Training

Under the bill, at least 45 days and not more than 100 days before each primary, general, and special election, each county clerk and the SOS would be required to offer election challenger training for each political party incorporated organization, or organized committee of interested citizens (as described above) that sought to designate challengers at the election. This election challenger training would have to include the comprehensive training described above, and training for both precinct polling places and absent voter counting boards.

If a political party, incorporated organization, or organized committee of interested citizens sought to designate challengers at an election, that party, organization, or committee would have to attend the above election challenger training, but would be required only to attend the training once before each primary, general, and special election.

After completion of the training, and before the primary, general, or special election, the party, organization, or committee would have to provide election challenger training for those individuals seeking to be election challengers for that entity. The election challenger training for the individuals seeking to be election challengers would have to include at least the same content of the comprehensive training described above. Entities also would have to provide separate training for those individuals seeking to be election challengers at an absent voter counting board.

After completion of the training, the party, organization, or committee would have to issue a certificate of completion, signed by an officer of the entity, to the individual seeking to be an election challenger. The certificate could be issued electronically and would be valid for 90 days after issuance. The entity would have to maintain a record of each individual issued a certificate of completion.

If a party, organization, or committee described above issued a certificate of completion to an individual who did not receive training from that entity, the entity would be responsible for a State civil infraction and could be ordered to pay a civil fine of not more than \$2,500.

Restrictions on Serving as an Election Challenger

The bill would prohibit a challenger from serving as a challenger at any election unless he or she, within the past 90 days, had attended election challenger training and received a signed certificate of completion for that training.

Under the Law, a candidate for nomination or election to an office may not serve as a challenger at the election in which he or she is a candidate. The bill instead would prohibit a person from serving as a challenger *in any precinct in the jurisdiction in which he or she was a candidate.*

Training Registry

The SOS also would have to create and maintain a registry including each political party, incorporated organization, and organized committee of interested citizens that completed the election challenger training. For each entity, the name of each individual who attended the training and the name of a contact person for that entity would have to be included. If one of the above entities attended and completed election challenger training from a county clerk,

the clerk would have to notify the SOS and the SOS would have to add the name of the person who attended the training and the name of a contact person for that entity to the registry.

MCL 168.31 et al.

Legislative Analyst: Dana Adams

FISCAL IMPACT

There could be additional costs for the Department of State to establish a comprehensive training curriculum for each political party to designate election challengers at an election. The Department likely would incur costs beyond current appropriations to develop the required comprehensive training curriculum and training materials, along with the costs associated with providing any necessary trainings. The costs are indeterminate and would depend on the number of trainings ultimately required, the material costs for those trainings, as well as possible travel costs for staff associated with providing those trainings.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.