

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4695

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 674 and 720j (MCL 168.674 and 168.720j),
section 674 as amended and section 720j as added by 2023 PA 81.

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 before each
4 election, but in no case less than 5 days before the date set for
5 holding schools of instruction, shall appoint for each election
6 precinct **and early voting site** at least 3 election inspectors and
7 as many more as in ~~its~~**the board's** opinion is required for the
8 efficient, speedy, and proper conduct of the election. The board of

1 election commissioners may appoint as election inspector an
2 individual on the list submitted by a major political party under
3 section 673a who is qualified to serve under section 677. An
4 appointment of an election inspector under this section is void if
5 a properly completed application for that election inspector is not
6 on file in the clerk's office as prescribed in section 677.

7 (2) The board of election commissioners shall designate 1
8 appointed election inspector as chairperson. The board of election
9 commissioners shall appoint at least 1 election inspector from each
10 major political party and shall appoint an equal number, as nearly
11 as possible, of election inspectors in each election precinct from
12 each major political party. The board of election commissioners may
13 appoint election inspectors in an election precinct from minor
14 political parties. Not later than 2 business days following the
15 appointment of election inspectors under subsection (1) for
16 elections in which a federal or state office appears, the board of
17 election commissioners shall notify by certified mail, personal
18 service, or electronic transmission capable of determining date of
19 receipt the county chair of each major political party of the names
20 and political party affiliations of appointed election inspectors
21 and the precincts to which those election inspectors were
22 appointed. A board of election commissioners shall not appoint an
23 individual as an election inspector if that individual declares a
24 political party preference for 1 political party but is a known
25 active advocate of another political party. As used in this
26 section, "a known active advocate" means an individual who meets 1
27 or more of the following:

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

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

3 (c) Has made documented public statements specifically
4 supporting by name the other political party or its candidates in
5 the same calendar year as the election for which the appointment is
6 being made. As used in this subdivision, "documented public
7 statements" means statements reported by the news media or written
8 statements with a clear and unambiguous attribution to the
9 applicant.

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

23 (4) Upon receipt of a challenge under subsection (3), the
24 board of election commissioners shall determine whether the
25 appointee has the necessary qualifications by reviewing the
26 application or any other official records, such as voter
27 registration records, or whether the applicant has a properly
28 completed certification of political party affiliation in the
29 application. If the challenge alleges that the appointee is a known

1 active advocate of a political party other than the one on the
2 appointee's application, the board of election commissioners
3 immediately shall provide the appointee with a copy of the
4 challenge by certified mail, personal service, or electronic
5 transmission capable of determining date of receipt. The appointee
6 may respond to the challenge within 2 business days after receiving
7 a copy of the challenge. A response must be by affidavit addressing
8 the specific reasons for the challenge. Failure to respond results
9 in revocation of the appointment. Within 2 business days after
10 receiving the challenge or a response from the appointee, whichever
11 is later, the board of election commissioners shall make a final
12 determination and notify the appointee and the county chair of the
13 political party of the determination.

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

23 Sec. 720j. (1) At each early voting site, ballots must be cast
24 using electronic tabulating equipment authorized to be used on
25 election day or specifically authorized for early voting in the
26 county where the early voting site is located.

27 (2) The clerk of the county where an early voting site is
28 located shall prepare and provide to each municipal clerk or early
29 voting site coordinator, as appropriate, both of the following:

1 (a) Programming for the electronic voting equipment to be used
2 at the early voting site no later than 45 days before election day.

3 (b) Ballots to be used to test the electronic voting equipment
4 no later than 45 days before election day. The appropriate board of
5 election commissioners shall complete the preliminary and public
6 logic and accuracy testing no later than 5 days before the start of
7 early voting in accordance with the requirements under section 798.

8 (3) Tabulators and early voting poll books used at each early
9 voting site must be configured in 1 of the ways set forth in this
10 section. However, the secretary of state may approve an alternate
11 configuration of tabulators and early voting poll books as long as
12 the alternate configuration produces an accurate poll list of the
13 voters who cast ballots ~~on each specific tabulator that enables the~~
14 ~~balancing of~~ **and balances** the number of voters casting a ballot at
15 the early voting site with the number of ballots cast. ~~on the~~
16 ~~tabulator.~~ A municipal clerk, or the coordinator of a municipal
17 agreement, shall select a configuration set or sets under
18 subsection (4) or (5), as applicable, and inform the county clerk
19 of the selection no later than 90 days before an election. Under a
20 county agreement, the county clerk, after consulting with the
21 participating municipal clerks, shall select the configuration set
22 or sets under subsection (6) no later than 90 days before an
23 election. Subsections (4), (5), and (6) describe the configuration
24 sets that are options for early voting sites, with each
25 configuration set having at least 1 tabulator and an early voting
26 poll book containing a list of registered electors corresponding to
27 the precincts programmed on the tabulator. A county clerk shall
28 program the tabulators to adhere to the configuration set or sets
29 selected for each early voting site. Each early voting site must

1 have the number of tabulators and early voting poll books as
2 required by the selected configuration set or sets.

3 (4) If a municipal clerk is conducting early voting as a
4 municipality under section 720e, the municipal clerk shall provide
5 for each early voting site either of the following configuration
6 sets:

7 (a) A single configuration set programmed to tabulate ballots
8 for all of the precincts in the municipality.

9 (b) Multiple configuration sets, with each configuration set
10 programmed to tabulate ballots for a unique set of precincts in the
11 municipality. Each precinct in the municipality must appear on only
12 1 configuration set at an early voting site.

13 (5) If municipalities are parties to a municipal agreement,
14 the municipal agreement must provide for each early voting site to
15 have either of the following configuration sets:

16 (a) A single configuration set programmed to tabulate ballots
17 for all of the precincts of each municipality covered by the
18 municipal agreement.

19 (b) Multiple configuration sets, with each tabulator
20 programmed to tabulate ballots for 1 or more municipalities covered
21 by the municipal agreement. Each precinct in each of the
22 municipalities must appear on only 1 configuration set in an early
23 voting site.

24 (6) If 1 or more municipalities are parties to a county
25 agreement, the county agreement must provide for each early voting
26 site to have either of the following configuration sets:

27 (a) For an early voting site covering the entire county, in
28 the same manner as an early voting site of a municipality
29 conducting early voting as a municipality under section 720e.

1 (b) For an early voting site covering less than the entire
2 county, in the same manner as an early voting site for
3 municipalities that are parties to a municipal agreement under
4 section 720f.

5 (7) The early voting poll book must be updated before early
6 voting starts each day to reflect new registered electors, absent
7 voter ballots received, and ballots cast at early voting sites
8 since the last update.

9 (8) After the close of the first day of early voting, the
10 board of election inspectors shall do all of the following at each
11 early voting site:

12 (a) Verify that the number of ballots tabulated equals the
13 number of electors identified in the early voting poll book as
14 having been issued ballots at the early voting site that day, and
15 note the reason for any discrepancy in the poll book.

16 (b) Remove the voted ballots from the tabulator bin and seal
17 the ballots, along with any spoiled ballots, and the early voting
18 poll book in a ballot container in the same manner as ballots are
19 sealed on election day and in accordance with section 806a.

20 (c) Record the seal number on the ballot container certificate
21 in accordance with section 806a.

22 (d) Record the seal number in the poll book.

23 (e) Print a poll list from the early voting poll book of the
24 electors who voted at the early voting site that day and add it to
25 the paper poll book.

26 (f) Report the number on the public counter on the tabulator
27 at the end of the day and at the beginning of the day in the poll
28 book.

29 ~~(g) Secure any absent voter ballots that are to be processed~~

1 ~~at the early voting site in a locked room.~~

2 (g) ~~(h)~~ Secure each tabulator used at the early voting site in
3 a locked room.

4 (h) ~~(i)~~ Lock the ~~building~~ **room** in which the early voting site
5 is located.

6 (9) After the close of each subsequent day of early voting
7 after the first day of early voting, the board of election
8 inspectors shall follow the same procedure as provided in
9 subsection (8), except that on subsequent days the board of
10 election inspectors may either place the current day's ballots in
11 an unused ballot container and seal the ballots in the same manner
12 as ballots are sealed on election day or may add the current day's
13 ballots to a ballot container that was used for the previous day of
14 early voting. If the board of election inspectors elects to add the
15 current day's ballots to a ballot container that was used for the
16 previous day of early voting, the seal on the previous day's ballot
17 container must be removed, the current day's ballots and the seal
18 removed by the election inspectors must be added to the ballot
19 container, the ballot container must be resealed, and the new seal
20 number must be recorded on the ballot container certificate and in
21 the poll book. If a ballot container becomes too full to add
22 additional ballots, the election inspectors must use 1 or more
23 additional ballot containers and label the ballot container
24 certificates sequentially.

25 (10) During the required early voting period, the municipal
26 clerk or the early voting site supervisor, as appropriate, shall
27 take all necessary steps to secure the electronic voting equipment,
28 ballot containers, blank ballots, and other election materials
29 after the close of early voting each day until the opening of early

1 voting on the following day, in accordance with guidance provided
2 by the secretary of state. After the last day of early voting, the
3 municipal clerk or the early voting site supervisor, as
4 appropriate, shall deliver the electronic voting equipment, each
5 ballot container, the blank ballots, and other election materials
6 to the clerk who will oversee the closing of the election after the
7 polls close on election day. No later than the Friday before
8 election day, each municipal clerk shall post on the municipality's
9 website the location where the precinct canvass of early votes for
10 that municipality will take place and the time the precinct canvass
11 will begin.

12 (11) After the polls close on election day, the precinct
13 election inspectors shall do all of the following:

14 (a) Canvass the vote as provided in sections 801 to 810.

15 (b) Generate the totals **or summary** tape and make results
16 available to those present.

17 (c) Complete the statements of results, the ballot summary,
18 and the certificate of election inspectors.

19 (d) If a ballot container is opened during the canvass, reseal
20 the ballot container and record the seal number on the ballot
21 container certificate and in the poll book.

22 **(e) Use the write-in report produced by the tabulator or the**
23 **write-in votes indicated on ballots to tally the early voting**
24 **write-in votes.**

25 (12) The county clerk shall report early voting results as a
26 separate category distinct from categories required under section
27 765a(1) and shall add these results to the total results for each
28 precinct, except for a municipality with 250 or more precincts that
29 chooses to use a ballot form that contains identical offices and

1 names as the precincts for early voting.

2 (13) If, during the county canvass of the votes, it is
3 necessary to retabulate ballots from a precinct, and any ballots
4 from that precinct are sealed in 1 or more ballot containers from
5 an early voting site that contain ballots from multiple precincts,
6 each necessary ballot container must be opened and the ballots
7 sorted by precinct so that the ballots needing to be retabulated
8 can be identified and segregated. The sorting must be done at the
9 canvass. Similarly, if there is a recount of a precinct and any
10 ballots from that precinct are sealed in 1 or more ballot
11 containers from an early voting site that contain ballots from
12 multiple precincts, each ballot container must be opened and the
13 ballots sorted by precinct as described in this subsection so that
14 the ballots subject to the recount can be identified and
15 segregated.

16 (14) Early voting results must not be generated or reported
17 until after 8 p.m. on election day. An individual shall not
18 intentionally disclose an election result from an early voting site
19 before 8 p.m. on election day. An individual who violates this
20 subsection is guilty of a felony.