

Act No. 259
Public Acts of 2023
Approved by the Governor
November 30, 2023
Filed with the Secretary of State
December 1, 2023
EFFECTIVE DATE: February 13, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Tsernoglou, Hope, Hill, Young, Glanville, Rheingans, Wilson, Morgan, Miller, Wegela, Grant, O'Neal, Paiz, MacDonell, Brixie, Koleszar, Hoskins, Price, Coffia, Weiss, Byrnes and Brabec

ENROLLED HOUSE BILL No. 4695

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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:

Sec. 674. (1) Notwithstanding any other provision of law to the contrary and subject to this section, the city and township board of election commissioners, at least 21 days before each election, but in no case less than 5 days before the date set for holding schools of instruction, shall appoint for each election precinct and early voting site at least 3 election inspectors and as many more as in the board's opinion is required for the efficient, speedy, and proper conduct of the election. The board of election commissioners may appoint as election inspector an individual on the list submitted by a major political party under section 673a who is qualified to serve under section 677. An appointment of an election inspector under this section is void if a properly completed application for that election inspector is not on file in the clerk's office as prescribed in section 677.

(2) The board of election commissioners shall designate 1 appointed election inspector as chairperson. 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. 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 an individual as an election inspector if that 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 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 the same calendar year as the election for which the appointment is being made. As used in this subdivision, “documented public statements” means statements reported by the news media or written statements with a clear and unambiguous attribution to the applicant.

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

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee’s application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

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

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

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

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

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

(3) Tabulators and early voting poll books used at each early voting site must be configured in 1 of the ways set forth in this section. However, the secretary of state may approve an alternate configuration of tabulators and early voting poll books as long as the alternate configuration produces an accurate poll list of the voters who cast ballots and balances the number of voters casting a ballot at the early voting site with the number of ballots cast. A municipal clerk, or the coordinator of a municipal agreement, shall select a configuration set or sets under subsection (4) or (5), as applicable, and inform the county clerk of the selection no later than 90 days before an election. Under a county agreement, the county clerk, after consulting with the participating municipal clerks, shall select the configuration set or sets under subsection (6) no later than 90 days before an election. Subsections (4), (5), and (6) describe the configuration sets that are options for early voting sites, with each configuration set having at least 1 tabulator and an early voting poll book containing a list of registered electors corresponding to the precincts programmed on the tabulator. A county clerk shall program the tabulators to adhere to the configuration set or sets selected for each early voting site. Each early voting site must have the number of tabulators and early voting poll books as required by the selected configuration set or sets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Lock the room in which the early voting site is located.

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

(10) During the required early voting period, the municipal clerk or the early voting site supervisor, as appropriate, shall take all necessary steps to secure the electronic voting equipment, ballot containers, blank ballots, and other election materials after the close of early voting each day until the opening of early voting on the following day, in accordance with guidance provided by the secretary of state. After the last day of early voting, the municipal clerk or the early voting site supervisor, as appropriate, shall deliver the electronic voting equipment, each ballot container, the blank ballots, and other election materials to the clerk who will oversee the closing of the election after the polls close on election day. No later than the Friday before election day, each municipal clerk shall post on the municipality's website the location where the precinct canvass of early votes for that municipality will take place and the time the precinct canvass will begin.

- (11) After the polls close on election day, the precinct election inspectors shall do all of the following:
- (a) Canvass the vote as provided in sections 801 to 810.
 - (b) Generate the totals or summary tape and make results available to those present.
 - (c) Complete the statements of results, the ballot summary, and the certificate of election inspectors.
 - (d) If a ballot container is opened during the canvass, reseal the ballot container and record the seal number on the ballot container certificate and in the poll book.
 - (e) Use the write-in report produced by the tabulator or the write-in votes indicated on ballots to tally the early voting write-in votes.
- (12) The county clerk shall report early voting results as a separate category distinct from categories required under section 765a(1) and shall add these results to the total results for each precinct, except for a municipality with 250 or more precincts that chooses to use a ballot form that contains identical offices and names as the precincts for early voting.
- (13) If, during the county canvass of the votes, it is necessary to retabulate ballots from a precinct, and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each necessary ballot container must be opened and the ballots sorted by precinct so that the ballots needing to be retabulated can be identified and segregated. The sorting must be done at the canvass. Similarly, if there is a recount of a precinct and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each ballot container must be opened and the ballots sorted by precinct as described in this subsection so that the ballots subject to the recount can be identified and segregated.
- (14) Early voting results must not be generated or reported until after 8 p.m. on election day. An individual shall not intentionally disclose an election result from an early voting site before 8 p.m. on election day. An individual who violates this subsection is guilty of a felony.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor