

SENATE BILL NO. 309

March 24, 2021, Introduced by Senators BUMSTEAD, LASATA, HORN, THEIS, STAMAS, ZORN, BIZON, VICTORY, BARRETT, DALEY, OUTMAN and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 733 (MCL 168.733), as amended by 1996 PA 583, and by adding section 734a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 733. (1) ~~The~~**Subject to this subsection, the** board of
2 election inspectors shall provide space for the challengers within
3 the polling place that enables the challengers to observe the
4 election procedure and each ~~person~~**individual** applying to vote.
5 **Each challenger has the right to stand or sit behind the processing**

1 **table.** A challenger may do 1 or more of the following:

2 (a) Under the scrutiny of an election inspector, inspect
3 without handling the poll books as ballots are issued to electors
4 and the electors' names **are** being entered in the poll book.

5 (b) **Observe the election process at a reasonable distance from**
6 **the election inspectors. As used in this subdivision, "reasonable**
7 **distance" means a distance that allows the election inspectors**
8 **sufficient room to perform their duties while still allowing**
9 **challengers to clearly read and observe the poll books, tabulators,**
10 **and other election documents and materials used at a polling place**
11 **or counting board.**

12 (c) ~~(b)~~ **Observe and challenge** the manner in which the duties
13 of the election inspectors are being performed.

14 (d) **Observe the processing of electors, but in a manner that**
15 **does not hinder or impede electors.**

16 (e) ~~(c)~~ **Challenge the voting rights of a ~~person~~ an individual**
17 **who the challenger has good reason to believe is not a registered**
18 **elector. As used in this subdivision, "good reason to believe"**
19 **includes, but is not limited to, witnessing any of the following:**

20 (i) **An elector is not present in the poll book.**

21 (ii) **An individual is claiming the identity of another**
22 **individual who has already voted.**

23 (iii) **The identification for election purposes being used**
24 **appears invalid or fraudulent.**

25 (f) ~~(d)~~ **Challenge an election procedure that is not being**
26 **properly performed.**

27 (g) ~~(e)~~ **Bring to an election inspector's attention any of the**
28 **following:**

29 (i) **Improper handling of a ballot by an elector or election**

1 inspector.

2 (ii) A violation of a regulation made by the board of election
3 inspectors ~~pursuant to~~**under** section 742.

4 (iii) Campaigning being performed by an election inspector or
5 other ~~person~~**individual** in violation of section 744.

6 (iv) A violation of election law or other prescribed election
7 procedure.

8 **(h) Obtain the vote results generated in the precinct after
9 the polls close.**

10 (i) ~~(f)~~ Remain during the canvass of votes and until the
11 statement of returns is duly signed and made.

12 (j) ~~(g)~~ Examine without handling each ballot as it is being
13 counted.

14 (k) ~~(h)~~ Keep records of votes cast and other election
15 procedures as the challenger desires.

16 (l) ~~(i)~~ Observe the recording of absent voter ballots on voting
17 machines.

18 **(m) Use a smart phone, tablet, laptop, or other electronic
19 device in a polling place or at a counting board as long as the use
20 of that smart phone, tablet, laptop, or other electronic device
21 does not hinder or impede an elector's right to vote or right to
22 vote a secret ballot.**

23 **(n) If a challenger is expelled from a polling place or a
24 counting board, demand and be provided a written explanation for
25 the expulsion from the chairperson of the board of election
26 inspectors.**

27 (2) ~~The~~**Subject to this subsection, the** board of election
28 inspectors shall provide space for each challenger, if any, at each
29 counting board that enables the challengers to observe the counting

1 of the ballots. **Each challenger has the right to stand or sit**
2 **behind the processing table.** A challenger at the counting board may
3 do 1 or more of the activities allowed in subsection (1), as
4 applicable.

5 (3) Any evidence of drinking of alcoholic beverages or
6 disorderly conduct is sufficient cause for the expulsion of a
7 challenger from the polling place or the counting board. The
8 election inspectors and other election officials on duty shall
9 protect a challenger in the discharge of his or her duties.

10 (4) ~~A person~~ **An individual** shall not threaten or intimidate a
11 challenger while performing an activity allowed under subsection
12 (1). A challenger shall not threaten or intimidate an elector while
13 the elector is entering the polling place, applying to vote,
14 entering the voting compartment, voting, or leaving the polling
15 place.

16 (5) **If the chairperson of the board of election inspectors, an**
17 **election inspector, or a challenger infringes on any of the**
18 **established rights of a challenger described in subsection (1), the**
19 **alleged infringement must be noted in the log for the precinct and**
20 **reported to the clerk of the city or township where that precinct**
21 **is located. If the city or township clerk determines that the**
22 **chairperson of the board of election inspectors, an election**
23 **inspector, or a challenger infringed on any of the established**
24 **rights of a challenger described in subsection (1), the city or**
25 **township clerk shall prohibit that individual from overseeing or**
26 **monitoring election activities for 2 years.**

27 (6) **If a challenger is expelled from a polling place or**
28 **counting board, the entity that appointed that expelled challenger**
29 **may appoint another challenger to replace the expelled challenger.**

1 Sec. 734a. (1) A poll watcher is an individual who wishes to
2 observe an election, but who is not designated as a challenger
3 under section 730.

4 (2) A poll watcher may do 1 or more of the following:

5 (a) Observe the poll book and election materials, but only if
6 that observation does not delay the voting process.

7 (b) Use a smart phone, tablet, laptop, or other electronic
8 device in a polling place or at a counting board as long as the use
9 of that smart phone, tablet, laptop, or other electronic device
10 does not hinder or impede an elector's right to vote or right to
11 vote a secret ballot.

12 (c) Remain during the canvass of votes and until the statement
13 of returns is duly signed and made.

14 (d) Obtain the vote results generated in the precinct after
15 the polls close.