

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5075

(As passed the House, May 21, 1998)

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 31, 795a, and 796a (MCL 168.31, 168.795a,
and 168.796a), as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 31. The secretary of state in addition to other powers
2 and duties conferred upon him or her ~~shall have~~ HAS the power
3 and it ~~shall be~~ IS his or her duty TO DO ALL OF THE FOLLOWING:
- 4 (a) To prepare rules, regulations, and instructions for the
5 conduct of elections and registrations in accordance with the
6 laws of this state.
- 7 (b) To advise and direct local election officials as to the
8 proper methods of conducting elections.
- 9 (c) To publish and furnish for the use in each election
10 precinct ~~prior to~~ BEFORE each state primary and election a

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1 manual of instructions that ~~shall include~~ INCLUDES specific
2 instructions on assisting voters in casting their ballots, direc-
3 tions on the location of voting stations in polling places, pro-
4 cedures and forms for processing challenges, and procedures on
5 prohibiting campaigning in the polling places as prescribed in
6 this act.

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

16 (e) To prescribe and require ~~such~~ uniform forms, notices,
17 and supplies ~~as~~ the secretary of state considers advisable for
18 use in the conduct of elections and registrations.

19 (f) To prepare the form of ballot for any proposed amendment
20 to the constitution or proposal under the initiative or referen-
21 dum provision of the constitution to be submitted to the voters
22 of this state.

23 (g) To require ~~such~~ reports from the local election offi-
24 cials ~~as~~ the secretary of state considers necessary.

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

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

3 (i) To publish in the legislative manual the vote for gover-
4 nor and secretary of state by townships and wards and the vote
5 for members of the state legislature cast at the preceding
6 November election, which shall be returned to the secretary of
7 state by the ~~several~~ county clerks on or before the first day
8 of December following ~~such~~ THE election. ~~, and it shall be~~ IT
9 IS ALSO the ~~further~~ duty of all clerks to furnish to the secre-
10 tary of state, promptly and without compensation, any further
11 information requested of them ~~,~~ to be used in the compilation
12 of the manual.

13 (j) To establish a curriculum for comprehensive training and
14 accreditation of all county, city, township, village, and school
15 elections officials.

16 (k) To establish and require attendance by all new APPOINTED
17 OR ELECTED election officials at an initial course of instruction
18 within 6 months ~~of~~ BEFORE the date of the election.

19 (l) To establish a comprehensive training curriculum for all
20 precinct inspectors.

21 (m) To create an election day dispute resolution team that
22 has regional representatives of the department of state, which
23 team shall appear on site, if necessary.

24 Sec. 795a. (1) An electronic voting system shall not be
25 used in an election unless it is approved by the board of state
26 canvassers as meeting the requirements of sections 794 and 795
27 and instructions regarding recounts of ballots cast on that

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1 electronic voting system that have been issued by the secretary
2 of state, unless section 797c has been complied with, and unless
3 it meets 1 of the following conditions:

4 (a) Is certified by an independent testing authority accred-
5 ited by the national association of state election directors and
6 by the board of state canvassers.

7 (b) In the absence of an accredited independent testing
8 authority, is certified by the manufacturer of the voting system
9 as meeting or exceeding the performance and test standards refer-
10 enced in subdivision (a) in a manner prescribed by the board of
11 state canvassers.

12 (2) The vendor or representative seeking approval of an
13 electronic voting system shall do all of the following:

14 (a) Deposit with the secretary of state a nonrefundable
15 application fee of \$1,500.00 for a new voting system and a fee of
16 \$500.00 for an upgrade to any existing system.

17 (b) File with the secretary of state a list of all states in
18 which the voting system has been approved for use. This list
19 shall state how long the system has been used in the state and
20 shall disclose any reports compiled by any state or local govern-
21 ment concerning the performance of the system. The vendor shall
22 remain responsible for filing this information on an ongoing
23 basis.

24 (c) File with the secretary of state copies of all standard
25 contracts and maintenance agreements used in connection with the
26 sale of the voting system. All changes to standard contracts and

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1 maintenance agreements shall be filed with the secretary of
2 state.

3 (d) Pay the cost for any field test required by the board of
4 state canvassers.

5 (E) STATE THE NUMBER OF VOTERS EACH COMPONENT OF THE VOTING
6 SYSTEM CAN PROCESS PER HOUR UNDER EACH OF THE FOLLOWING
7 CIRCUMSTANCES:

8 (i) AN ELECTION IN WHICH THERE ARE 10 OR FEWER ITEMS TO BE
9 VOTED ON THE BALLOT BY EACH VOTER.

10 (ii) AN ELECTION IN WHICH THE BALLOT CONSISTS OF THE NUMBER
11 OF ITEMS TYPICALLY VOTED ON AT A PRESIDENTIAL GENERAL ELECTION IN
12 THIS STATE.

13 (3) The board of state canvassers shall conduct a field test
14 of all new voting systems as part of the certification process.
15 The field test shall involve Michigan electors and election offi-
16 cials in simulated election day conditions. The test shall be
17 designed to gauge voter reaction to the system, problems that
18 voters have with the system, and the number of voting stations
19 required for the efficient operation of an election BASED UPON
20 THE VENDOR'S STATEMENT PROVIDED UNDER SUBSECTION (2)(E).

21 (4) The board of state canvassers shall approve an elec-
22 tronic voting system for use in this state only if it meets the
23 conditions of subsection (1) except that in an emergency situa-
24 tion that threatens the ability of a county, city, or township to
25 conduct a scheduled election, the board of state canvassers may
26 approve a correction of software or firmware after testing the
27 software or firmware performance.

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1 (5) If an electronic voting system is approved for use
2 before January 1, 1997 by the board of state canvassers, it may
3 be used in an election. However, if the electronic voting system
4 has its software or firmware improved or changed, the system
5 shall comply with the requirements of subsection (1).

6 (6) After an electronic voting system is approved, an
7 improvement or change in the electronic voting system shall be
8 submitted to the board of state canvassers for approval pursuant
9 to this section. This subsection does not apply to the technical
10 capability of a general purpose computer, reader, or printer to
11 electronically record and count votes.

12 (7) A county, city, township, village, or school district
13 shall file "an intent to purchase statement" with the secretary
14 of state 30 days before any purchase agreement is made to pur-
15 chase a new voting system. The secretary of state shall provide
16 all information concerning the operation of the voting system in
17 Michigan or any other state to the local unit of government
18 within 25 days after receiving the "intent to purchase
19 statement".

20 (8) The secretary of state shall instruct local election
21 officials regarding the operation and use of an approved elec-
22 tronic voting system in order to carry out the purposes of sec-
23 tions 794 to 799a and the rules promulgated pursuant to sections
24 794 to 799a.

25 (9) If the board of state canvassers determines that an
26 electronic voting system that was approved under subsection (1)
27 no longer meets the requirements described in that subsection,

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1 the board of state canvassers may disapprove that voting system.
2 An electronic voting system that has been disapproved by the
3 board of state canvassers under this subsection shall not be used
4 in an election, unless it is reapproved by the board of state
5 canvassers under subsection (1).

6 Sec. 796a. (1) Before an election at which an electronic
7 voting system is used, the board of election commissioners of the
8 county, city, village, township, or school district shall have
9 the system prepared for the election. The board shall provide
10 the election board of each voting precinct with the necessary
11 equipment and supplies.

12 (2) Before an election, THE BOARD OF ELECTION COMMISSIONERS
13 OF A COUNTY, CITY, VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT SHALL
14 PROVIDE a sufficient number of voting stations ~~shall be provided~~
15 ~~as~~ needed to ensure the orderly conduct of the election ~~, but~~
16 ~~in no case shall less than 1 voting station be provided~~ TAKING
17 INTO CONSIDERATION THE PROJECTED TURNOUT, THE LENGTH OF THE
18 BALLOT, AND THE NUMBER OF VOTERS THE VOTING SYSTEM CAN PROCESS
19 PER HOUR AS DETERMINED UNDER SECTION 795A. AS A MINIMUM FOR EACH
20 ELECTION, THE BOARD OF ELECTION COMMISSIONERS SHALL PROVIDE AT
21 LEAST 1 VOTING STATION for each ~~200~~ 400 registered voters in
22 each precinct THROUGH AUGUST 31, 1998 AND AT LEAST 1 VOTING STA-
23 TION FOR EACH 300 REGISTERED VOTERS ON AND AFTER SEPTEMBER 1,
24 1998. If counting centers are used, the board of election com-
25 missioners of the county, city, village, township, or school dis-
26 trict shall establish 1 or more counting centers as needed before
27 the election.