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SFA**BILL ANALYSIS**

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House Bill 5216 (Substitute H-3 as passed by the House)
Sponsor: Representative Bruce Patterson
House Committee: Redistricting and Elections
Senate Committee: Government Operations

Date Completed: 2-1-02

CONTENT

The bill would amend the Michigan Election Law to require the Secretary of State to select a uniform voting system that would be used throughout the State, subject to the appropriation of money for this purpose. The bill also would do the following:

- Require the Secretary of State (SOS) to convene an advisory committee on the selection of the uniform voting system.**
- Require the SOS to notify local units of government about the selection of a uniform voting system, and prohibit them from purchasing a voting system after receiving the notice.**
- Require the SOS to establish a schedule for the acquisition and implementation of the uniform system.**

Also, several current provisions regarding voting machines would not apply after the Secretary of State implemented the uniform voting system.

The bill would define "uniform voting system" as "the voting system that is used at all elections in every election precinct throughout the state".

The bill would add Section 37 to the Election Law to require the Secretary of State to select a uniform voting system. Section 37 would not apply, however, until money was appropriated for the purpose of selecting, acquiring, and implementing the uniform voting system. If Federal money became available for the purposes described in this section, the SOS would have to (and the bill states that "the legislature intends to") take steps necessary to qualify for and appropriate that money for those purposes. If an appropriation for the purposes of Section 37 were not signed into law before January 1, 2006, the section would be repealed on that date.

The membership of the proposed advisory committee would have to represent county, city, and township election officials and other relevant organizations. In addition, the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate each could appoint one advisory committee member.

The Secretary of State could conduct tests of a voting system in order to select the uniform system. The SOS could not consider a voting system for selection unless it were approved and certified as provided in Section 795a of the Election Law. At the request of the SOS, the Board of State Canvassers would have to perform the approval and certification review, as provided in that section, of a voting system that the SOS wanted to consider for selection. (Under Section 795a, an electronic voting system may not be used without the approval and

certification of the Board of State Canvassers, unless the system has been certified by an independent testing authority or the manufacturer. The section contains procedures for the approval of a system.)

When the uniform voting system was selected, or at an earlier time that the SOS considered advisable, he or she would have to notify each county, city, village, township, and school district about the selection or impending selection of the uniform system. A governmental unit that was notified could not purchase or enter into a contract to purchase a voting system after receiving the notice.

After selecting the uniform voting system, the SOS would have to establish a schedule for its acquisition and implementation throughout Michigan, and widely publicize the schedule and changes to it. The SOS could devise a schedule that instituted the uniform system over several election cycles.

If the SOS determined, after selecting the uniform voting system, that it no longer served the welfare of the voters or had become out of date in regard to voting system technology, the SOS could repeat the process for selecting the uniform system authorized by the bill.

Currently, at all elections held in the State, ballots or votes may be cast, registered, recorded, and counted by means of voting machines, as provided in Chapter 28 (Holding of Elections) of the Law. Under the bill, this provision would apply unless the Secretary of State implemented the uniform voting system.

The Secretary of State currently may permit the use of any type of voting device for election purposes in any election upon petition by the legislative body of the local unit wanting to use a new device. Also, a county board of commissioners, township board, or the legislative body of an incorporated city or village may authorize, purchase, and order the use of a thoroughly tested or reliable voting machine within the county, city, village, or township. Under the bill, this provisions would apply until the SOS implemented the uniform system.

The Election Law requires a county board of supervisors, the common council of a city or village, or a township board adopting a voting machine, as soon as practicable, to provide a voting machine in complete working order for each election district. Under the bill, a county or township board, or city or village council, adopting a voting system or implementing the uniform voting system would have to provide a voting machine or uniform voting system in complete working order for each election district.

Presently, the Law allows a county board of commissioners, a township board, the legislative body of a city or village, or a school board to authorize, acquire, adopt, experiment with, or abandon an electronic voting system approved for use in this State. A new electronic voting system may not be used at a general election in a county, city, or township unless specific requirements are met. Under the bill, these provisions would not apply to a county, city, village, township, or school district after it received the Secretary of State's notice about the selection of a uniform voting system.

MCL 168.2 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would require the Secretary of State to choose a uniform voting system for use in the State. Of the currently certified voting systems, only punch card, optical scan, and direct recording electronic (touch screen) systems remain in production. The Secretary of State produced a report in May 2001 advocating a uniform voting system using optical scan

technology and it is assumed that this report reflects the action the Secretary would take under this bill. The report detailed a four-year schedule for implementation of a statewide uniform voting system that would cost a total of \$26.1 million to \$38.7 million, \$14 million in the first year.

For an alternate cost estimate, a voting technology study conducted jointly by the California Institute of Technology and the Massachusetts Institute of Technology in July 2001 estimated the implementation cost for an optical scan voting system at \$6 to \$8 per voter. Following the implementation schedule proposed by the Secretary of State in her May 2001 report, this alternate model would result in a total cost of \$39.9 million to \$53.3 million for the State, including approximately \$16.3 million to \$21.7 million in the first year of implementation.

The bill would result in savings to local units of government. Currently, the purchase of voting systems and equipment is the responsibility of local jurisdictions. The bill proposes that the State adopt that responsibility. Since voting equipment has a life span of 15 to 25 years, almost all local units of government would be relieved of the obligation of purchasing a new voting system over that time period. The savings would vary widely by jurisdiction, depending upon the size of the jurisdiction and the type of voting system it otherwise will purchase.

Fiscal Analyst: J. Runnels