

SUBSTITUTE FOR  
HOUSE BILL NO. 5216

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (a) "Business day" or "secular day" means a day that is not  
3 a Saturday, Sunday, or legal holiday.

4       (b) "Election" means ~~any~~ AN election or primary election,  
5 at which the electors of this state or of ~~any~~ A subdivision of

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1 this state choose or nominate by ballot public officials or  
2 decide ~~any~~ A public question lawfully submitted to them.

3 (C) "UNIFORM VOTING SYSTEM" MEANS THE VOTING SYSTEM THAT IS  
4 USED AT ALL ELECTIONS IN EVERY ELECTION PRECINCT THROUGHOUT THE  
5 STATE.

6 Sec. 31. (1) The secretary of state shall do all of the  
7 following:

8 (a) Subject to subsection (2), issue instructions and  
9 promulgate rules ~~pursuant to~~ UNDER the administrative proce-  
10 dures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the  
11 conduct of elections and registrations in accordance with the  
12 laws of this state.

13 (b) Advise and direct local election officials as to the  
14 proper methods of conducting elections.

15 (c) Publish and furnish for the use in each election pre-  
16 cinct before each state primary and election a manual of instruc-  
17 tions that includes specific instructions on assisting voters in  
18 casting their ballots, directions on the location of voting sta-  
19 tions in polling places, procedures and forms for processing  
20 challenges, and procedures on prohibiting campaigning in the  
21 polling places as prescribed in this act.

22 (d) Publish indexed pamphlet copies of the registration,  
23 primary, and election laws and furnish to the various county,  
24 city, township, and village clerks a sufficient number of copies  
25 for their own use and to enable them to include 1 copy with the  
26 election supplies furnished each precinct board of election  
27 inspectors under their respective jurisdictions. The secretary

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1 of state may furnish single copies of the publications to  
2 organizations or individuals who request ~~the same~~ A COPY for  
3 purposes of instruction or public reference.

4 (e) Prescribe and require uniform forms, notices, and sup-  
5 plies the secretary of state considers advisable for use in the  
6 conduct of elections and registrations.

7 (f) Prepare the form of ballot for ~~any~~ A proposed amend-  
8 ment to the constitution or proposal under the initiative or ref-  
9 erendum provision of the constitution to be submitted to the  
10 voters of this state.

11 (g) Require reports from the local election officials the  
12 secretary of state considers necessary.

13 (h) Investigate, or cause to be investigated by local  
14 authorities, the administration of election laws, and report vio-  
15 lations of the election laws and regulations to the attorney gen-  
16 eral or prosecuting attorney, or both, for prosecution.

17 (i) Publish in the legislative manual the vote for governor  
18 and secretary of state by townships and wards and the vote for  
19 members of the state legislature cast at the preceding November  
20 election, which shall be returned to the secretary of state by  
21 the county clerks on or before the first day of December follow-  
22 ing the election. All clerks shall furnish to the secretary of  
23 state, promptly and without compensation, any further information  
24 requested of them to be used in the compilation of the legisla-  
25 tive manual.

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1 (j) Establish a curriculum for comprehensive training and  
2 accreditation of all county, city, township, village, and school  
3 elections officials.

4 (k) Establish and require attendance by all new appointed or  
5 elected election officials at an initial course of instruction  
6 within 6 months before the date of the election.

7 (l) Establish a comprehensive training curriculum for all  
8 precinct inspectors.

9 (m) Create an election day dispute resolution team that has  
10 regional representatives of the department of state, which team  
11 shall appear on site, if necessary.

12 (N) IN ACCORDANCE WITH THE AUTHORITY, STANDARDS, AND  
13 REQUIREMENTS PROVIDED IN SECTION 37, SELECT AND DIRECT THE IMPL-  
14 MENTATION OF THE UNIFORM VOTING SYSTEM.

15 (2) ~~Pursuant to~~ IN ACCORDANCE WITH the administrative pro-  
16 cedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the sec-  
17 retary of state may promulgate rules establishing uniform stan-  
18 dards for state and local nominating, recall, and ballot question  
19 petition signatures. The standards for petition signatures may  
20 include, but need not be limited to, standards for all of the  
21 following:

22 (a) Determining the validity of registration of a circulator  
23 or individual signing a petition.

24 (b) Determining the genuineness of the signature of a circu-  
25 lator or individual signing a petition.

26 (c) Proper designation of the place of registration of a  
27 circulator or individual signing a petition.

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1           SEC. 37. (1) THE SECRETARY OF STATE SHALL SELECT A UNIFORM  
2 VOTING SYSTEM UNDER THE PROVISIONS OF THIS SECTION. THE SECRE-  
3 TARY OF STATE SHALL CONVENE AN ADVISORY COMMITTEE ON THE SELEC-  
4 TION OF THE UNIFORM VOTING SYSTEM, WHOSE MEMBERSHIP REPRESENTS  
5 COUNTY, CITY, AND TOWNSHIP ELECTION OFFICIALS AND OTHER RELEVANT  
6 ORGANIZATIONS. IN ADDITION, THE SPEAKER AND MINORITY LEADER OF  
7 THE HOUSE OF REPRESENTATIVES AND THE MAJORITY AND MINORITY LEAD-  
8 ERS OF THE SENATE MAY EACH APPOINT 1 ADVISORY COMMITTEE MEMBER.

9           (2) THE SECRETARY OF STATE MAY CONDUCT TESTS OF A VOTING  
10 SYSTEM IN ORDER TO SELECT THE UNIFORM VOTING SYSTEM. THE SECRE-  
11 TARY OF STATE SHALL NOT CONSIDER A VOTING SYSTEM FOR SELECTION AS  
12 THE UNIFORM VOTING SYSTEM UNLESS THE VOTING SYSTEM IS APPROVED  
13 AND CERTIFIED AS PROVIDED IN SECTION 795A. AT THE SECRETARY OF  
14 STATE'S REQUEST, THE BOARD OF STATE CANVASSERS SHALL PERFORM THE  
15 APPROVAL AND CERTIFICATION REVIEW, AS PROVIDED IN SECTION 795A,  
16 OF A VOTING SYSTEM THAT THE SECRETARY OF STATE WANTS TO CONSIDER  
17 FOR SELECTION AS THE UNIFORM VOTING SYSTEM.

18           (3) WHEN THE UNIFORM VOTING SYSTEM IS SELECTED OR AT AN EAR-  
19 LIER TIME THAT THE SECRETARY OF STATE CONSIDERS ADVISABLE, THE  
20 SECRETARY OF STATE SHALL NOTIFY EACH COUNTY, CITY, VILLAGE, TOWN-  
21 SHIP, AND SCHOOL DISTRICT ABOUT THE SELECTION OR IMPENDING SELEC-  
22 TION OF THE UNIFORM VOTING SYSTEM. A GOVERNMENTAL UNIT THAT IS  
23 NOTIFIED UNDER THIS SUBSECTION SHALL NOT PURCHASE OR ENTER INTO A  
24 CONTRACT TO PURCHASE A VOTING SYSTEM AFTER RECEIPT OF THE  
25 NOTICE.

26           (4) AFTER SELECTION OF THE UNIFORM VOTING SYSTEM, THE  
27 SECRETARY OF STATE SHALL ESTABLISH A SCHEDULE FOR ACQUISITION AND

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1 IMPLEMENTATION OF THE UNIFORM VOTING SYSTEM THROUGHOUT THE  
2 STATE. THE SECRETARY OF STATE MAY DEVISE A SCHEDULE THAT INSTI-  
3 TUTES THE UNIFORM VOTING SYSTEM OVER SEVERAL ELECTION CYCLES.  
4 THE SECRETARY OF STATE SHALL WIDELY PUBLICIZE THE SCHEDULE AND  
5 CHANGES TO THE SCHEDULE.

6 (5) IF, AFTER SELECTION OF THE UNIFORM VOTING SYSTEM, THE  
7 SECRETARY OF STATE DETERMINES THAT THE UNIFORM VOTING SYSTEM NO  
8 LONGER SERVES THE WELFARE OF THE VOTERS OR HAS BECOME OUT OF DATE  
9 IN REGARDS TO VOTING SYSTEM TECHNOLOGY, THE SECRETARY OF STATE  
10 MAY REPEAT THE PROCESS FOR SELECTING THE UNIFORM VOTING SYSTEM  
11 AUTHORIZED UNDER THIS SECTION.

12 (6) THIS SECTION DOES NOT APPLY UNTIL MONEY IS APPROPRIATED  
13 FOR THE PURPOSE OF SELECTING, ACQUIRING, AND IMPLEMENTING THE  
14 UNIFORM VOTING SYSTEM. IF FEDERAL MONEY BECOMES AVAILABLE FOR  
15 THE PURPOSES DESCRIBED IN THIS SECTION, THE SECRETARY OF STATE  
16 SHALL, AND THE LEGISLATURE INTENDS TO, TAKE THE STEPS NECESSARY  
17 TO QUALIFY FOR AND APPROPRIATE THAT MONEY FOR THE PURPOSES  
18 DESCRIBED IN THIS SECTION.

19 (7) IF AN APPROPRIATION OF MONEY FOR THE PURPOSES DESCRIBED  
20 IN THIS SECTION IS NOT SIGNED INTO LAW BEFORE JANUARY 1, 2006,  
21 THIS SECTION IS REPEALED ON JANUARY 1, 2006.

22 Sec. 770. (1) ~~At~~ UNLESS THE SECRETARY OF STATE IMPLEMENTS  
23 THE UNIFORM VOTING SYSTEM IN A PRECINCT, AT all elections  
24 ~~hereafter~~ held in this state, ballots or votes may be cast,  
25 registered, recorded, and counted by means of voting machines, as  
26 provided in this chapter.

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1 (2) The governing body of ~~any~~ A governmental unit in this  
2 state may contract with the governing body of ~~any other~~ ANOTHER  
3 governmental unit in this state with regard to the use of voting  
4 machines owned by either of the contracting units.

5 Sec. 770a. ~~The~~ UNTIL THE SECRETARY OF STATE IMPLEMENTS  
6 THE UNIFORM VOTING SYSTEM, THE secretary of state may permit the  
7 use of any type of voting device for election purposes in any  
8 election upon petition for use of the device by the legislative  
9 body of the political subdivision desiring to use any new  
10 device. Permission granted by the secretary of state shall be  
11 valid for 1 election only. Local legislative body includes  
12 school boards. Upon authorizing the use of the device, the sec-  
13 retary of state shall prepare detailed rules as to election pro-  
14 cedures when the device is used. The rules may include prescrib-  
15 ing the counting of votes and the making of returns by persons  
16 other than precinct election inspectors. No rule shall be made  
17 which provides for reducing the secrecy of the ballot. In parti-  
18 san general elections, candidates shall be listed under a party  
19 heading. Rules ~~so~~ promulgated shall be consistent with the  
20 election law.

21 Sec. 771. ~~Hereafter, the board of supervisors of any~~  
22 ~~county~~ UNTIL NOTIFIED BY THE SECRETARY OF STATE UNDER SECTION  
23 37, A COUNTY BOARD OF COMMISSIONERS, the legislative body of  
24 ~~any~~ AN incorporated city or village, or the township board of  
25 ~~any~~ A township in the state of Michigan ~~,~~ may, by a majority  
26 vote, authorize, purchase, and order the use of ~~any~~ A  
27 thoroughly tested or reliable voting machine in ~~any~~ 1 or more

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1 voting precincts within ~~said~~ THE county, city, village, or  
2 township until otherwise ordered by the officers adopting the  
3 same.

4       Sec. 773. (1) ~~The board of supervisors of any county~~ A  
5 COUNTY BOARD OF SUPERVISORS, the common council of ~~any~~ A city  
6 or village, or the township board of ~~any~~ A township adopting a  
7 voting machine OR IMPLEMENTING THE UNIFORM VOTING SYSTEM shall,  
8 as soon as practicable, ~~thereafter,~~ provide for each election  
9 district a voting machine OR UNIFORM VOTING SYSTEM in complete  
10 working order. ~~, and the~~ THE county, city, township, or village  
11 clerk shall ~~thereafter~~ keep the ~~same~~ VOTING MACHINE OR VOTING  
12 SYSTEM in repair and shall have the custody ~~thereof, and~~ OF THE  
13 MACHINE OR SYSTEM. THE CLERK HAS CUSTODY of the furniture and  
14 equipment of the polling place when not in use at an election.

15       (2) If it ~~shall be~~ IS impracticable to supply each and  
16 every election district with a voting machine at any election  
17 following ~~such~~ THE adoption, as many may be supplied as it is  
18 practicable to procure, and the ~~same~~ VOTING MACHINES may be  
19 used in ~~such~~ THE election district or districts within the  
20 county, city, village, or township as the officers adopting  
21 ~~same~~ THEM may determine. More than 1 voting machine may be  
22 provided and used in ~~any~~ AN election precinct.

23       Sec. 794a. (1) Subject to this section, the board of com-  
24 missioners of a county, the legislative body of a city or vil-  
25 lage, the township board of a township, or the school board of a  
26 school district, by a majority vote, may authorize, acquire by  
27 purchase, lease, or otherwise, adopt, experiment with, or abandon



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1 an electronic voting system approved for use in this state ~~—~~ in  
2 an election, and may use the system in all or a part of the pre-  
3 cincts within its boundaries, or in combination with other  
4 approved voting systems.

5 (2) A new electronic voting system shall not be used at a  
6 general election in a county, city, or township unless, in addi-  
7 tion to the other requirements of this act, all of the following  
8 requirements are met:

9 (a) The county, city, or township purchases or otherwise  
10 acquires the electronic voting system 6 months or more before the  
11 next general election to be held in that county, city, or  
12 township.

13 (b) The county, city, or township uses the electronic voting  
14 system at a primary, special, or other local election held in the  
15 county, city, or township before the general election.

16 (3) The appropriate board of election commissioners shall  
17 provide for an accuracy test of an electronic voting system in  
18 the manner prescribed in rules promulgated by the secretary of  
19 state. The secretary of state shall prescribe procedures for  
20 preparing test decks and conducting accuracy tests for electronic  
21 voting systems in this state.

22 (4) Before an election held in a county, city, township,  
23 village, or school district, the secretary of state may randomly  
24 select and test for accuracy an electronic voting system to be  
25 used by the county, city, township, village, or school district  
26 in that election. The secretary of state shall use the test

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1 decks prepared by the secretary of state to conduct the random  
2 tests allowed under this subsection.

3       (5) A board of election commissioners shall not use in an  
4 election an electronic voting system that has failed the most  
5 recent accuracy test performed on that voting system under this  
6 act. An electronic voting system may be used after any necessary  
7 corrections are made and an accuracy test is passed on the  
8 system.

9       (6) SUBSECTIONS (1) AND (2) DO NOT APPLY TO A COUNTY, CITY,  
10 VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT AFTER THE COUNTY, CITY,  
11 VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT RECEIVES THE SECRETARY OF  
12 STATE'S NOTICE UNDER SECTION 37.