



HOUSE BILL No. 6133

September 25, 1996, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

A bill to amend section 795a of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," as amended by Act No. 261 of the Public Acts of 1995, being section 168.795a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 795a of Act No. 116 of the Public Acts
2 of 1954, as amended by Act No. 261 of the Public Acts of 1995,
3 being section 168.795a of the Michigan Compiled Laws, is amended
4 to read as follows:

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

1 electronic voting system that have been issued by the secretary
2 of state — AND UNLESS IT MEETS 1 OF THE FOLLOWING CONDITIONS:

3 (A) IS CERTIFIED BY AN INDEPENDENT TESTING AUTHORITY ACCRED-
4 ITED BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS AND
5 BY THE BOARD OF STATE CANVASSERS.

6 (B) IN THE ABSENCE OF AN ACCREDITED INDEPENDENT TESTING
7 AUTHORITY, IS CERTIFIED BY THE MANUFACTURER OF THE VOTING SYSTEM
8 AS MEETING OR EXCEEDING THE PERFORMANCE AND TEST STANDARDS REFER-
9 ENCED IN SUBDIVISION (A) IN A MANNER PRESCRIBED BY THE BOARD OF
10 STATE CANVASSERS.

11 (2) THE BOARD OF STATE CANVASSERS SHALL APPROVE AN ELEC-
12 TRONIC VOTING SYSTEM FOR USE IN THIS STATE ONLY IF IT MEETS THE
13 CONDITIONS OF SUBSECTION (1) EXCEPT THAT IN AN EMERGENCY SITUA-
14 TION THAT THREATENS THE ABILITY OF A COUNTY, CITY, OR TOWNSHIP TO
15 CONDUCT A SCHEDULED ELECTION, THE BOARD OF STATE CANVASSERS MAY
16 APPROVE A CORRECTION OF SOFTWARE OR FIRMWARE AFTER TESTING THE
17 SOFTWARE OR FIRMWARE PERFORMANCE.

18 (3) IF AN ELECTRONIC VOTING SYSTEM IS APPROVED FOR USE
19 BEFORE JANUARY 1, 1997 BY THE BOARD OF STATE CANVASSERS, IT MAY
20 BE USED IN AN ELECTION. HOWEVER, IF THE ELECTRONIC VOTING SYSTEM
21 HAS ITS SOFTWARE OR FIRMWARE IMPROVED OR CHANGED, THE SYSTEM
22 SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1).

23 (4) After an electronic voting system is approved, an
24 improvement or change in the electronic voting system shall be
25 submitted to the board of state canvassers for approval pursuant
26 to this section. This subsection does not apply to the technical

1 capability of a general purpose computer, reader, or printer to
2 electronically record and count votes.

3 (5) ~~(2)~~ The secretary of state shall instruct local elec-
4 tion officials regarding the operation and use of an approved
5 electronic voting system in order to carry out the purposes of
6 sections 794 to 799a and the rules promulgated pursuant to sec-
7 tions 794 to 799a.