

ELECTION PROCESSES

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House Bill 4838 (H-1) as reported from committee

Sponsor: Rep. Phil Green

Committee: Elections and Ethics

Complete to 8-17-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4838 would prohibit the electronic poll book at each election precinct or absent voter (AV) counting board from being connected to the internet after the polls open on election day and until the results have been tabulated for that precinct and transmitted to the appropriate clerk. It also would specify that an electronic voting system could not be connected to or operated on the internet after the polls open and until after results have been tabulated for that precinct, and then only to upload those results to the appropriate clerk.

MCL 168.668b and 168.795

BRIEF DISCUSSION:

Some individuals expressed concern that HB 4838 would send a confusing message to voters. The bill would codify the prohibition on connecting electronic pollbooks to the internet. However, electronic pollbooks are not currently connected to the internet at any time, and there is concern that specifically prohibiting the practice is unnecessary and would imply that the practice is currently employed.

A Michigan Senate report on the November 2020 election¹ found “no evidence of widespread or systemic fraud in Michigan’s prosecution of the 2020 election” but noted some opportunities for improvement. In relevant part, regarding internet connections, the report found:

Internet Connections Many observers insisted the vote tabulators at the TCF Center were connected to the internet. Chris Thomas, who served as the senior elections advisor for the city of Detroit, has asserted that this is simply not true. Other individuals who were at the TCF Center, such as former state Sen. Patrick Colbeck, insist that they were. It is true that every tabulator was connected to a local area network (LAN), which would create the same icon on a computer screen indicating a network connection as is shown by an internet accessible network. This may be a source of some of the confusion. Computers at the central control center, which were not connected to each precinct’s LAN, were connected to a network that was connected to the internet, which may have also contributed to the confusion. Regardless, no evidence has been offered that the tabulators were connected beyond each LAN, and, in fact, the results from the tabulators at the TCF Center were transmitted to the clerk’s office via flash drives, not electronic or cellular connection. Furthermore, and more importantly, there has been no evidence provided that such a purported connection led to alterations to machine programming, hardware, or the tabulated results or could have led to such changes.

¹ https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport_2.pdf

Finally, logic and accuracy tests are conducted on each tabulator prior to the election to confirm that pre-election procedures were followed properly. During the post-election audits, clerks verify that those tests were performed and that the machines and their programming were not tampered with during the election.

Many theories and speculation regarding tabulators not at the TCF Center also include a component that necessitate an internet connection. It is particularly important to note that Dominion voting machines that are not part of an absentee voter counting board do not have built in modems or wireless internet. Reports to the contrary are false, with some falsely labeling non-Dominion machines as Dominion machines to make it appear as if they do have wireless internet capabilities. The secure cellular modems some clerks use to transmit the unofficial results to the county clerk are not even turned on or connected to the tabulators until after the official results are printed by the individual machine.

FISCAL IMPACT:

House Bill 4838 would have no fiscal impact on the state or on local units of government.

POSITIONS:

A representative of Freezing Fraud from Future Elections testified in support of the bill. (5-18-21)

Representatives of the following entities testified in support of the bill, with changes (5-18-21):

- Pure Integrity for Michigan Elections
- Rescue Michigan Coalition

The Michigan Association of Municipal Clerks indicated support for the bill. (6-8-21)

The following entities indicated a neutral position on the bill:

- Department of State (6-8-21)
- Michigan Association of County Clerks (5-18-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.