

VOTING EQUIPMENT TEST PROCEDURES

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<http://www.house.mi.gov/hfa>

House Bill 4602 as introduced
Sponsor: Rep. Rachelle Smit
Committee: Election Integrity
Complete to 6-30-25

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

SUMMARY:

House Bill 4602 would amend the Michigan Election Law, primarily to change provisions related to procedures for testing voting equipment, including the creation of “test decks.”

Test decks are sets of marked ballots, with predetermined results, that are used to verify the functioning and accuracy of voting machines before an election. In addition to testing whether machines accurately tally the known number of votes in the deck for various candidates or proposals, test decks also typically include ballots that are blank, that are improperly voted (e.g., votes for too many candidates for an office), or that include write-in votes, to also test the system’s accuracy in recording and flagging these issues or errors.

Currently, the act requires the secretary of state to prescribe procedures for preparing test decks and conducting accuracy tests for electronic voting systems in Michigan, and it requires each board of election commissioners to provide for an accuracy test of electronic voting systems as prescribed in those rules.

The bill would retain the above provisions, but would add that the procedures prescribed by the secretary of state must be clearly defined, readily understandable, and capable of being replicated by a board of election commissioners without relying on proprietary systems or on information that is not publicly available. The process of creating test decks would have to be transparent and reproducible by an individual using the procedures prescribed in the rules.

In addition, the bill would provide that each board of election commissioners retains control over creating its own test deck process, subject to the procedures prescribed by the secretary of state, and it would prohibit the secretary of state from doing any of the following:

- Prohibiting or restricting a board of election commissioners from using any source to create test decks.
- Entering into an agreement or contract that grants exclusive control over creating test decks to a single vendor or entity.
- Requiring or allowing the centralization of all ballot information for Michigan with a single vendor for the purpose of creating test decks.

Finally, the bill would remove provisions from 2002 that pertained to the development at that time of a uniform state voting system.

MCL 168.794a

FISCAL IMPACT:

House Bill 4602 would likely have cost implications for the state and local units of government, including counties, cities, villages, and townships. Costs would be related to potential changes in contracting for logic and accuracy testing services among the state and local units. Actual fiscal impacts to the state and each local government would depend on specific contract changes for each entity.

The bill would prohibit the state from contracting with a single vendor for centralized testing services of voting equipment. The Department of State currently holds a single vendor contract for this purpose. Local units of government can currently choose whether to utilize services from the state contract at no cost for testing or to conduct or contract for testing on their own. The state's contract is worth \$2.9 million for a five-year period ending in August 2029. The bill would result in additional costs to locals if they currently use the state's contract and choose to procure their own services. Costs to the state would depend on whether the state cancels its contract for testing, resulting in savings to the state, or includes one or more additional vendors for testing services, resulting in additional state costs.

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