



**House
Legislative
Analysis
Section**

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ELECTION MALFUNCTIONS: AMENDMENTS

House Bill 4434
Sponsor: Rep. Thomas L. Hickner
Committee: Elections

Complete to 4-3-89

RECEIVED

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A SUMMARY OF HOUSE BILL 4434 AS INTRODUCED 3-14-89

The Michigan Election Law allows an aggrieved candidate to ^{Mich. State Law Library}petition the county board of canvassers for a special election if a defect in or a mechanical malfunction of a voting machine or other election equipment or material prevents an elector from voting for the candidate of his or her choice. (Such a special election would be held if the number of votes that could not be cast could have affected the election outcome. It would be held by mail and only in the affected precincts.) House Bill 4434 would allow a special election to be called in much the same way when a defect or malfunction involved a ballot question. An aggrieved registered elector whose name appeared in a poll book at the election involving the ballot question could petition in that case. Also under the bill, if the number of votes for an office or ballot question recorded on a voting machine exceeded the number of people voting, that would count as a defect or malfunction, and a special election could be called if the number of voters who could not cast valid votes was sufficient to affect the election outcome. Further, the bill would eliminate the requirement that a copy of the petition for a special election be served on the local clerk and the candidates involved. (The secretary or clerk of the board of canvassers would still have to notify candidates, and notify the filer of a ballot question, if known, of a meeting of the board to deal with a qualified petition.)

The bill would also require election commissioners (or authorized assistants) to inspect voting machines to determine whether they are properly prepared and then to file a written certificate. (The job of preparing the machines belongs to the clerk and authorized assistants.) The election law currently calls for the commissioners to be afforded an opportunity to inspect the machines after the filing of the certificate by either the clerk or the commissioners.

In addition, the bill would allow the processing and tallying of absent voter ballots to begin at 7 a.m. on the day of an election rather than 8 a.m.

MCL 168.778 et al.

House Bill 4434 (4-3-89)