

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**

BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5139 (Substitute H-3 as passed by the House)  
Sponsor: Representative Janet Kukuk  
House Committee: Constitutional Law and Ethics  
Senate Committee: Government Operations

Date Completed: 5-18-00

### CONTENT

**The bill would amend the Michigan Election Law to provide for ballot containers other than ballot boxes; require ballot container manufacturers to submit nonmetal ballot containers to the Secretary of State for approval; and revise current requirements for the display of the American flag at polling places.** The bill would take effect June 8, 2000.

Currently, Section 24j of the Election Law requires a county board of canvassers to inspect ballot boxes every four years and designate whether or not a box meets the requirements of the Election Law. A ballot box that has not been approved by the board may not be used to store voted ballots.

The bill would refer to a ballot "container", rather than a ballot "box". The bill would define "ballot container" as a container used for transporting and storing voted ballots, as described and approved under Section 24j. The bill provides that a ballot container would include a ballot box, transfer case, or other container used to secure ballots, including optical scan ballots and electronic voting systems and data. A manufacturer or distributor of ballot containers would have to submit a nonmetal ballot container to the Secretary of State for approval before it was sold to a county, city, township, village, or school district for use at an election. A ballot container could not be approved unless it was made of metal, plastic, fiberglass, or other material, that provided resistance to tampering; and was capable of being sealed with a metal seal.

As under current law, a county board of canvassers would have to inspect each ballot container every four years, and a local election clerk would be guilty of a misdemeanor if he or she used or permitted the use of a ballot container that had not been approved.

Currently, local election commissioners must furnish local units within their jurisdiction a sufficient number of ballot boxes. The bill provides that if another ballot container, in addition to a ballot box, were used in a precinct, the election commissioners also would have to provide an approved ballot container.

(Currently, there is no requirement in the Election Law that a ballot box be made of any particular substance; however, Administrative Rule 168.771 defines "transfer case" as a metal container used for transporting and storing voted ballot cards, and requires that the container be approved as provided in Section 24j of the Election Law.)

In addition, local election commissioners currently must provide for each polling place a U.S. flag that is made of “class ‘A’ bunting”. The bill would delete the class A bunting requirement, as well as requirements that the flag be used only for display at the polling place and returned to the local clerks by the commissioners for proper care and custody.

MCL 168.14a et al.

Legislative Analyst: G. Towne

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: E. Limbs