SUBSTITUTE FOR

HOUSE BILL NO. 4838

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 668b and 795 (MCL 168.668b and 168.795),
section 668b as added by 2018 PA 614 and section 795 as amended by
2018 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 668b. (1) Each city or township shall use the electronic
2   poll book software developed by the bureau of elections in each
3   election precinct in the city or township on election day to
4   process voters and generate election precinct reports.
5   (2) Except as otherwise provided in subsection (3), after 4
6   p.m. on the day before an election, each city or township clerk
7   shall download the electronic poll book software from the qualified

1 voter file software.

2   (3) In a city or township with more than 50 election

3 precincts, the city or township clerk may begin downloading the

4 electronic poll book software from the qualified voter file

5 software after 2 p.m. on the Saturday before an election. If a city

6 or township clerk downloads the electronic poll book software from

7 the qualified voter file software before 4 p.m. on the day before

8 an election as provided in this subsection, the city or township

9 clerk must provide a supplemental absent voter list to each

10 election precinct before the polls open on election day that

11 captures any absent voter activity in the city or township between

12 2 p.m. on the Saturday before the election and 4 p.m. on the Monday

13 before the election.

14   **(4) In each election precinct or absent voter counting board**

15 **on election day, the electronic poll book must not be connected to**

16 **the internet after the polls open and until the results have been**

17 **tabulated for that precinct and transmitted to the appropriate**

18 **clerk.**

19   Sec. 795. (1) An electronic voting system acquired or used

20 under sections 794 to 799a must meet all of the following

21 requirements:

22   (a) Provide for voting in secrecy, except in the case of

23 voters who receive assistance as provided by this act.

24   (b) Utilize a paper ballot for tabulating purposes.

25   (c) Permit each elector to vote at an election for all ~~persons~~

26 **individuals** and offices for whom and for which the elector is

27 lawfully entitled to vote; to vote for as many ~~persons~~ **individuals**

28 for an office as the elector is entitled to vote for; and to vote

29 for or against any question upon which the elector is entitled to

1 vote. Except as otherwise provided in this subdivision, the
2 electronic tabulating equipment must reject all choices recorded on
3 the elector's ballot for an office or a question if the number of
4 choices exceeds the number that the elector is entitled to vote for
5 on that office or question. Electronic tabulating equipment that
6 can detect that the choices recorded on an elector's ballot for an
7 office or a question exceeds the number that the elector is
8 entitled to vote for on that office or question must be located at
9 each polling place and programmed to reject a ballot containing
10 that type of an error. If a choice on a ballot is rejected as
11 provided in this subdivision, an elector must be given the
12 opportunity to have that ballot considered a spoiled ballot and to
13 vote another ballot.
14   (d) Permit an elector, at a presidential election, by a single
15 selection to vote for the candidates of a party for ~~president,~~
16 ~~vice-president,~~ **President**, **Vice President**, and presidential
17 electors.
18   (e) Permit an elector in a primary election to vote for the
19 candidates in the party primary of the elector's choice. Except as
20 otherwise provided in this subdivision, the electronic tabulating
21 equipment must reject each ballot on which votes are cast for
22 candidates of more than 1 political party. Electronic tabulating
23 equipment that can detect that the elector has voted for candidates
24 of more than 1 political party must be located at each polling
25 place and programmed to reject a ballot containing that type of an
26 error. If a choice on a ballot is rejected as provided in this
27 subdivision, an elector must be given the opportunity to have that
28 ballot considered a spoiled ballot and to vote another ballot.
29   (f) Prevent an elector from voting for the same ~~person~~

1   **individual** more than once for the same office.

2   (g) Reject a ballot on which no valid vote is cast. Electronic

3   tabulating equipment must be programmed to reject a ballot on which

4   no valid vote is cast.

5   (h) Be suitably designed for the purpose used; be durably

6   constructed; and be designed to provide for safety, accuracy, and

7   efficiency.

8   (i) Be designed to accommodate the needs of an elderly voter

9   or ~~a person~~ **an individual** with 1 or more disabilities.

10   (j) Record correctly and count accurately each vote properly

11   cast.

12   (k) Provide an audit trail.

13   (*l*) Provide an acceptable method for an elector to vote for ~~a~~

14   ~~person~~ **an individual** whose name does not appear on the ballot.

15   (m) Allow for accumulation of vote totals from the precincts

16   in the jurisdiction. ~~The~~ **Subject to subdivision (o), the**

17   accumulation software must meet specifications prescribed by the

18   secretary of state and must be certified by the secretary of state

19   as meeting these specifications.

20   (n) Be compatible with or include at least 1 voting device

21   that is accessible for an individual with disabilities to vote in a

22   manner that provides the same opportunity for access and

23   participation, including secrecy and independence, as provided for

24   other voters. The voting device must include nonvisual

25   accessibility for the blind and visually impaired.

26   **(o) In each election precinct or absent voter counting board**

27   **on election day, not be connected to the internet after the polls**

28   **open and until the results have been tabulated for that precinct**

29   **and only for the purpose of uploading those results to the**

1 **appropriate clerk.**

2   (2) Electronic tabulating equipment that counts votes at the

3 precinct before the close of the polls must provide a method for

4 rendering the equipment inoperable if vote totals are revealed

5 before the close of the polls. Electronic tabulating equipment that

6 tabulates ballots, including absentee ballots, at a central

7 location must be programmed to reject a ballot if the choices

8 recorded on an elector's ballot for an office or a question exceed

9 the number that the elector is entitled to vote for on that office

10 or question, if no valid choices are recorded on an elector's

11 ballot, or if, in a primary election, votes are recorded for

12 candidates of more than 1 political party.

13   (3) Each jurisdiction in this state conducting an election

14 shall equip each polling place with at least 1 accessible voting

15 device as required under subsection (1)(n).