

HOUSE BILL NO. 4602

June 10, 2025, Introduced by Reps. Smit, Fox and DeBoyer and referred to Committee on Election Integrity.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 794a (MCL 168.794a), as amended by 2002 PA 91.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 794a. ~~(1) Subject to this section, the board of~~
2 ~~commissioners of a county, the legislative body of a city or~~
3 ~~village, the township board of a township, or the school board of a~~
4 ~~school district, by a majority vote, may authorize, acquire by~~
5 ~~purchase, lease, or otherwise, adopt, experiment with, or abandon~~

1 ~~an electronic voting system approved for use in this state in an~~
2 ~~election, and may use the system in all or a part of the precincts~~
3 ~~within its boundaries, or in combination with other approved voting~~
4 ~~systems.~~

5 ~~(2) A new electronic voting system shall not be used at a~~
6 ~~general election in a county, city, or township unless, in addition~~
7 ~~to the other requirements of this act, all of the following~~
8 ~~requirements are met:~~

9 ~~(a) The county, city, or township purchases or otherwise~~
10 ~~acquires the electronic voting system 6 months or more before the~~
11 ~~next general election to be held in that county, city, or township.~~

12 ~~(b) The county, city, or township uses the electronic voting~~
13 ~~system at a primary, special, or other local election held in the~~
14 ~~county, city, or township before the general election.~~

15 **(1) ~~(3)~~ Subject to the procedures prescribed in rules**
16 **promulgated by the secretary of state under this section, each**
17 **appropriate board of election commissioners retains control over**
18 **creating the board's own test deck process. The secretary of state**
19 **shall not do any of the following:**

20 **(a) Prohibit or restrict an appropriate board of election**
21 **commissioners from utilizing any source to create test decks with**
22 **predetermined results.**

23 **(b) Enter into an agreement or contract that grants exclusive**
24 **control over creating test decks with predetermined results to a**
25 **single vendor or entity.**

26 **(c) Mandate or permit the centralization of all ballot**
27 **information for this state with a single vendor for the purpose of**
28 **creating test decks.**

29 **(2) The appropriate board of election commissioners shall**

1 provide for an accuracy test of an electronic voting system in the
2 manner prescribed in rules promulgated by the secretary of state.

3 **(3)** The secretary of state shall prescribe procedures for
4 preparing test decks and conducting accuracy tests for electronic
5 voting systems in this state. **The procedures prescribed by the**
6 **secretary of state under this subsection must be clearly defined,**
7 **readily understandable, and capable of being replicated by an**
8 **appropriate board of election commissioners without relying on**
9 **proprietary systems or information that is not publicly available.**
10 **The process of creating test decks must be transparent and**
11 **reproducible by an individual using the prescribed procedures in**
12 **the promulgated rules.**

13 (4) Before an election held in a county, city, **or** township,
14 ~~village, or school district,~~ the secretary of state may randomly
15 select and test for accuracy an electronic voting system to be used
16 by the county, city, **or** township ~~, village, or school district~~ in
17 that election. The secretary of state shall use the test decks
18 prepared by the ~~secretary of state~~ **appropriate board of election**
19 **commissioners** to conduct the random tests allowed under this
20 subsection.

21 (5) A board of election commissioners shall not use in an
22 election an electronic voting system that has failed the most
23 recent accuracy test performed on that **electronic** voting system
24 under this act. An electronic voting system may be used after any
25 necessary corrections are made and an accuracy test is passed on
26 the **electronic voting** system.

27 ~~(6) Subsection (1) does not apply to a county, city, village,~~
28 ~~township, or school district after the county, city, village,~~
29 ~~township, or school district receives the secretary of state's~~

1 ~~notice under section 37. Subsection (2) shall apply to a county,~~
2 ~~city, village, township, or school district after it receives the~~
3 ~~secretary of state's notice under section 37 if, at the time of the~~
4 ~~notice, the county, city, village, township, or school district is~~
5 ~~using an electronic voting system that is the same type as the~~
6 ~~uniform voting system.~~